JFK's Mafia Moll: Truth & Fantasy

The Washington Monthly

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1999
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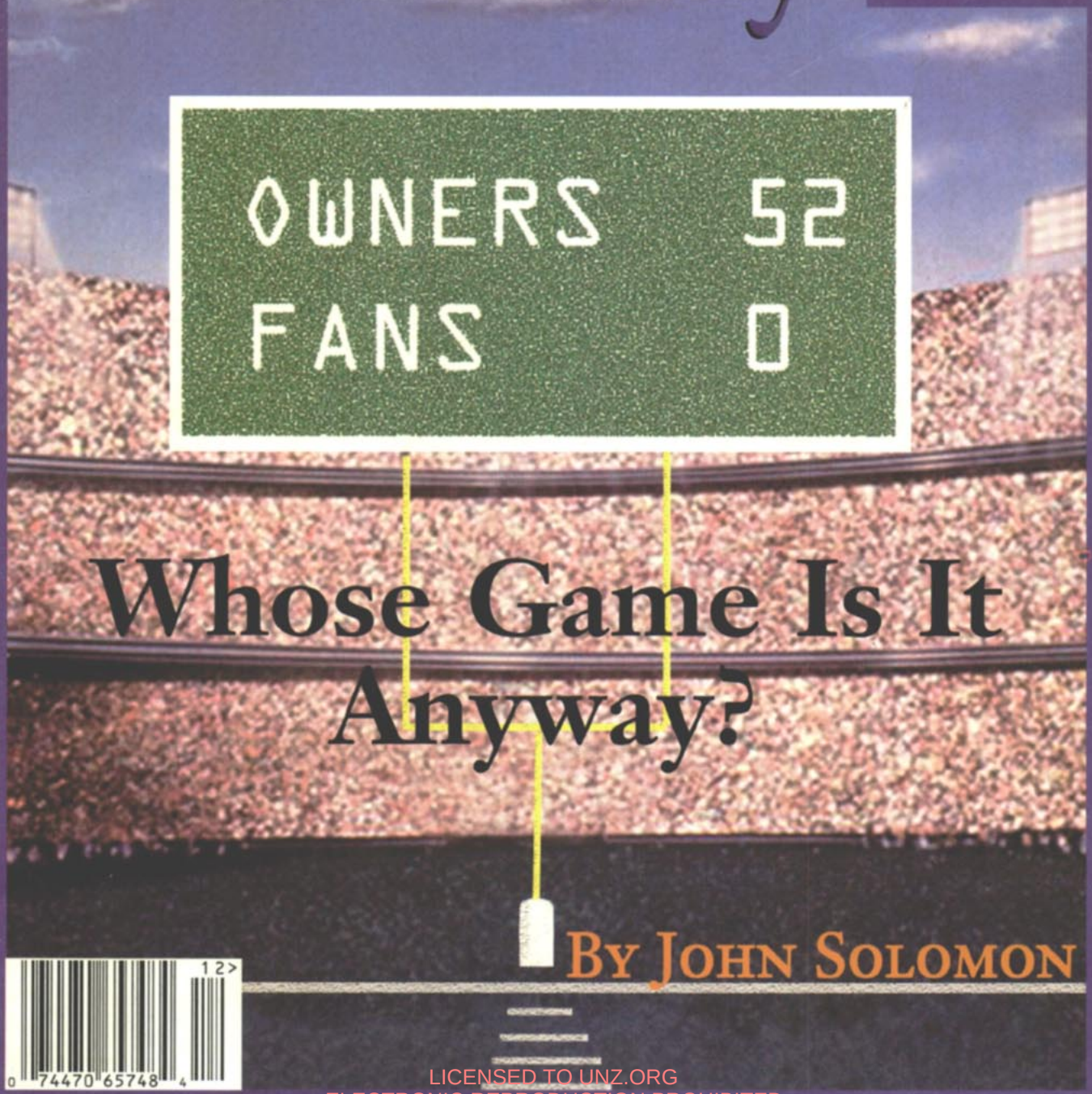
Charles Peters On How The Dems Can Win

Nolan on Teddy, Broder on W., Alter on Dutch



Whose Game Is It Anyway?

By John Solomon

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COMMENTARY THAT HITS

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Cover art by Tara Mansbridge

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Letters

Score on Gore

At last—a substantive story about a presidential candidate's accomplishments and visions ("The Stiff Man Has A Spine," September 1999). Thank you. I too am tired of the repeated characterizations of Vice President Al Gore as a "bore." Do we really need another charismatic but empty suit like former President Ronald Reagan?

LEE HELFRICH
Annandale, Va.

Not For Our Baby

Thanks to Alexandra Starr ("You've Got a Long Way to Go, Baby," October 1999) for acknowledging the pathological state of such women's magazines as *Cosmopolitan*, *Glamour* and *Vogue*. As parents, my wife, and I went to great lengths to make sure that our daughter learned to read at an early age. But this makes it difficult to take our daughter through a supermarket checkout stand, where cover blurbs on women's magazines scream about exotic sexual techniques and new diets, and the models on the covers are all bone-thin with impossibly large breasts.

ROBERT STACY MCCAIN
Gaithersburg, Md.

Inspiration matters

I was sorry to see the item in "Who's Who" (November 1999) quoting Elizabeth Drew's swipe at Sen. Max Cleland's intelligence. I haven't dealt directly with Cleland, but I have had some occasion to observe him at meetings. An aide pushes his wheelchair up to the table or dais. Cleland then proceeds, through his own effort, using his three stumps and his one functioning arm, to somehow maneuver himself from the wheelchair into the regular chair. Then he uses a rocking and bouncing motion, a little like a man whose car is stuck in icy snow, to get the chair up close to the table.

You try not to stare, but you cannot help yourself. For a moment the mood in the room shifts. You can practically hear the bottom fall out of pretense. The topic of discussion recedes before the reality of human hardship, courage, and pain. It is sobering and somehow cleansing, a reminder of human misfortune of a kind that life on the Hill rarely provides. In a city of professional whiners and complainers, of whom the best fed and most prosperous complain the most, Cleland accomplishes something just short of miraculous. He makes people reflect on how lucky they are.

There is no shortage of intellect in the Senate, but there is not always the same measure of humility. I have been tempted more than once to walk over to Cleland and thank him both for enduring what he does and just for being there. The swipe at Cleland was unfair on its own terms. In a larger sense it was pathetic. Believe me, intellect is not the only thing a member might contribute up there, nor is it even the most important.

NAME WITHHELD
(The author, who wishes to remain anonymous, is frequently on Capitol Hill.)

Researchers not flacks

It is unfortunate that *The Washington Monthly* has chosen to lend its prestige to an article ("The Think Tank as Flack," November 1999), triggered by an erroneous *New York Times* piece (September 18). Had your author, David Callahan, bothered to call or check with us, he would have found that the *Times* piece was woven out of whole cloth from a source your story neglected to credit, as the original *Times* article did: "a Microsoft adversary associated with the computer industry."

Both liberals and conservatives have long been supporters of corporate welfare, including antitrust protectionism. Moreover, not only is the Microsoft case championed by Robert Bork, Daniel Oliver, Orrin Hatch, the Progress and Freedom Foundation, and other conservatives, but the business leaders spending untold millions to win this case are primarily conservative and Republican.

But to be more specific, despite the indignant claims of both articles, the Independent Institute has long acknowledged Microsoft as a supporter, by specifying its 7 percent to 8 percent level of support at the June 2 news conference for our Open Letter on Antitrust Proctectionism—Microsoft is not now and never has been the largest contributor to the Institute. Located adjacent Silicon Valley, the Institute has a diversity of supporting members from businesses, unions, foundations, civic organizations, and individuals.

Contrary to Mr. Callahan's presumption, the Independent Institute is not conservative, nor liberal, nor any other kind of political group at all. Instead, the Institute is exclusively a non-politicized, scholarly, policy research organization, with research fellows at universities throughout the United States. We will not accept contract funding for our research, and there are no government policies nor social or economic issues that we might not address. As a result, Mr. Callahan would find that some of our results will predictably please him and other liberals, some will also predictably please conservatives, but by and large, our work will please neither, because that is the nature of the scientific method in pioneering new knowledge and challenging unfounded conventional wisdom.

We stand by the fact that over 240 economists and other scholars independently agreed to oppose antitrust protectionism, without any compensation or involvement from Microsoft on any level. And, we welcome any careful analysis of our work.

DAVID J. THEROUX
FOUNDER AND PRESIDENT
THE INDEPENDENT INSTITUTE
Oakland, Calif.

Unfriendly Fire

A reviewer has the prerogative to disagree with the author he is reviewing, but he does not have the right to misrepresent the author's views, as Gregg Easterbrook does in his review of my book *Vietnam: The Necessary War*. Easterbrook writes: "A striking, almost weird percentage of the book is devoted to Lind's contention that the United States is too timid about casualties, whether other country's [sic] civilians or its own soldiers." How could anyone write a

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study of the Vietnam War without focusing on the relationship between casualties and American public support for the war? A few quotes are sufficient to explode Easterbrook's false claim that I am indifferent to the suffering of foreign civilians: "But given the existence of methods of fighting an insurgency that were more humane and discriminating as well as more effective, a powerful argument can be made that the employment of such disproportionate firepower was not only counterproductive but also immoral." In the penultimate paragraph of the book, in which I summarize my thesis, I describe the methods used by the United States in Vietnam as "sometimes arguably immoral." Easterbrook is free to object to my argument that when deterrence fails "small, well-trained, highly professional forces" should sometimes be deployed in the interest of American military and diplomatic credibility, but an honest critic of my views would have quoted my own words on the subject: "To send troops to their deaths purely for the purpose of reputation, in a war that could not be won by any plausible means, would be murder."

Typical of Easterbrook's abuse of paraphrase is a passage in his review in which he writes that "Lind approvingly quotes Stalin (several times!) as saying America lacks the stomach for expending its soldiers' lives." *Approvingly?* As every other reader has perceived, I quote Stalin and Mao to illustrate the ruthlessness of our Cold War enemies. (Would Easterbrook have described me as a neo-Nazi eugenics theorist if I had quoted Hitler ranting about American racial inferiority?) Easterbrook withholds the important information that in my book I contrast the realist view, which holds that military conflict is undesirable but sometimes unavoidable, with militarism: "The militarist view, along with the values that it justifies, is alien to the United States and similar societies, despite its appeal to historic communities like those of the Vikings, Mongols, and twentieth-century fascists…." On the next page I compare the militarist to "a psychopath."

The most vicious of Easterbrook's misrepresentations is this: "Lind goes so far as to object to honoring war dead, saying that in the future, American soldiers should be 'thought of as the equivalent of firemen. We have parades for firemen now and then, but do not have a parade every time they put out a fire.'" In its context, the meaning of my statement is unmistakable: On Veterans' Day and similar occasions we should honor all of our soldiers, including those Americans who risk or lose their lives on behalf of our nation in small, peripheral conflicts without formal beginnings and ends.

Easterbrook's manifest purpose in systematically twisting my plain statements in this dishonest fashion is to depict me as a sinister oligarch indifferent to the fate of middle-class and working-class soldiers: "The fighting men and women who will die for credibility in the years to come won't even be memorialized; presumably the elites will be too busy e-trading.… [I]t's fine for soldiers to go off and die, so long as no one from the comfortable classes is affected. … Michael Lind throws his arms around this idea enthusiastically." Many readers of *The Washington Monthly* will recall that I have devoted most of the past decade to making the case for egalitarian social reforms, and that I am on the record as favoring national service, including military service, for members of all income groups. It is ironic that I, who introduced the term "overclass" into public usage, should be falsely portrayed as that elite's champion. It is even more ironic that Gregg Easterbrook, who has written about military subjects without having served in the military, should vilify me for doing the same.

MICHAEL LIND
SENIOR FELLOW
THE NEW AMERICA FOUNDATION
Washington, D.C.

Correction

In our review of Michael Lind's *Vietnam: The Necessary War* (November 1999), Lind was criticized for citing some statistics in "lakhs," a British-Indian vernacular term for "a multiple of 100,000." This was a publisher's mistake in the galleys. There were no lakhs in the final copy of the book.

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Tilting at Windmills

By Charles Peters

Brand Name Schools • Freeh's Favorites • The Missing MacIntosh• The Gym Teacher's Desk • The Two Dozen Harleys• Bits and Pieces of a Democratic Manifesto

"Brand-name schools aren't always better," was the headline above Michelle Singletary's article in *The Washington Post.* I thought I had found a soulmate! As regular readers know, I always urge students to look not at the name of the school but to the strength of the departments in the area of study they are interested in. Do they have good professors? Do the professors actually teach? But this is not what Singletary was interested in. Her concern was that "pricey schools aren't necessarily the deciding factor in helping students make big bucks after graduation." Isn't one purpose of a good education that it helps the student see that some things are more important than the big bucks?

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For most of his presidency, I could not be counted among Ronald Reagan's fans. But sometimes his speeches, like the one he made in Normandy on the 40th anniversary of D-Day, or something he said—like calling the Soviet Union "the evil empire"—struck me as just right. The most thrilling moment for me came when he stood in Berlin and said, "Mr. Gorbachev, tear down this wall." I was thus dismayed to find Edmund Morris' *Dutch* saying of that moment, "What a rhetorical opportunity missed. He could have read Robert Frost's poem on the subject."

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Toby needs a booster shot and a heartworm test, *The Washington Post*'s Colbert King was recently reminded by his dog's veterinarian. "It hit me then and there," writes King. "In more than 40 years of uninterrupted participation in America's health care system—a period during which I never missed a premium payment, always paid my deductibles and co-payments on time, unfailingly presented myself for examination in clean underwear and with all teeth brushed, always received whatever treatment was dispensed with gratitude bordering on obsequiousness—no doctor's office has ever initiated contact with me about anything remotely related to the maintenance of my health and general well-being."

Don't let that lady get away with "I don't want big government in my medicine cabinet."

My experience has been the same. I've had some calls from dentists reminding me that I'm due for a check-up or a cleaning, but to the best of my recollection never from a physician.

Sometimes I've been just as happy that they didn't call and ask if I was sticking to my diet or cutting down on my drinking—but part of me wondered why they didn't. More important, why didn't they call to say "It's time for a flu shot" or to say "At your age you really should have your heart checked or better still, come in for a complete physical"?

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Calvin S. Kinney, a gym teacher in the D.C. schools, recently got a 12 to 36 year sentence for having sex with several 14-year old girls. Opinions may vary about the sentence, but what is beyond understanding is the judgment of the school authorities who assigned Kinney a desk. It was located in the girls' locker room.

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Did you see Ken Starr's piece in *The Wall Street Journal* trying to explain his disastrous investigation? He points out that 75 percent of Whitewater cases ended in hung juries compared to a 5 percent hung jury rate in criminal trials generally. This he attributes to "some people entered the jury room with agendas" and "judges sometimes appear to be swayed by politics." Couldn't another explanation be that Starr presented unconvincing evidence?

Starr does concede that he should not have taken on Monicagate, Travelgate or Filegate: "Moving beyond Whitewater/Madison slowed our progress, increased our costs and fostered a damaging perception of empire building."

It is incredible to me that all of this investigation—Whitewater, Filegate, Travelgate and Monicagate—produced no indictment against Bill or Hillary Clinton other than that he had lied about a personal matter, having nothing to do with his public duty. And that indictment—which is what impeachment by the House constituted—produced no conviction. Nor did any of the investigations by four other independent counsels of Clinton cabinet members produce a conviction, except on a lie by Henry Cisneros, also about a personal matter having nothing

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to do with his public duties.

Yet the Clinton administration is depicted again and again by the Republicans and by a large part—probably a majority—of the media as "scandal-plagued" or "scandal-ridden."

I don't think the Democrats can win if they don't fight back—if they accept that Bill Clinton is a corrupt president who sold the Lincoln Bedroom. Democrats should answer Thank God for the Lincoln Bedroom. Decent politicians get down on their knees and pray for innocent favors they can do for their contributors. How much better to offer a night's sleep at the White House than a change of administration policy on an important issue. Bill Clinton hasn't sold out to the bad guys—the gun lobby or the tobacco lobby. How many Republicans can say the same!

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SPEAKING OF THE GUN LOBBY, *The Wall Street Journal*'s Paul Barrett and Vanessa O'Connell have recently written about evidence that its power is declining. One fact in their report that fascinated me is that the gun lobby's constituency is shrinking. "Hunters and target shooters—the industry's core market—are gradually walking away from those sports ... Most ominously, gun companies' efforts to cultivate new buyers among women and teenagers have failed to stem the erosion."

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DEMOCRATS SHOULD BE PROUD, instead of ashamed—as some of them seem—of Bill Clinton's record as president. The economy has performed superbly—with an amazing combination of low inflation, deficit reduction, and low unemployment. And during the last seven years, it's been Bill Clinton who has been president, not Alan Greenspan, as the pundits seem to think when they're praising the economy.

More jobs have meant that the major accomplishment of welfare reform, for which Clinton shares the credit, has been implemented, if not perfectly, with considerably better results than most liberals anticipated.

On a host of other issues from gun-control to the patients' bill of rights, it seems to me that Clinton has been on the right side far more times than he has been in the wrong. For some of these, though, he gets no credit or at least none that I have seen. A case in point is antitrust. Clinton's Department of Justice has had the courage and the savvy to take on bullies like Microsoft in the interest of fair play.

On foreign policy, many of his efforts, including those in Northern Ireland and Kosovo, have been laudable. In the Middle East, all you have to do is recall the testimony of the dying King Hussein that Clinton had done more than any other president Hussein had known. And Hussein had known Dwight Eisenhower, John Kennedy, Lyndon Johnson, Richard Nixon, Gerald Ford, Ronald Reagan and George Bush.

It's worth recalling again Hussein's words:

"I have never—with all due respect and all the affection I have held for your predecessors—I have never known someone with your dedication, evenhandedness, focus and determination to help resolve this issue."

As a dying man, Hussein had nothing to gain from flattering Bill Clinton. For that reason, his words have special force.

All of this is not to say that Bill Clinton has never done wrong. Indeed, he has often been criticized—sometimes severely—in these pages. It is to remind people that as angry as we may get at the man, on the whole he's done an impressive job.

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HEALTH CARE AND EDUCATION are the issues Americans are most concerned about, according to a recent Harris poll. That's good news for Hillary Clinton, because another poll—this one a CBS News-*New York Times* survey—shows that when respondents were asked "Who do you think would do a better job at working to reform the health care system—Hillary Clinton or Rudy Giuliani?" Mrs. Clinton won by 63 percent to 22 percent. For the same question regarding education reform, she won 60 percent to 27.

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I'M INDEBTED TO MY FRIEND, Mark Shields, for bringing me up to date on John Gilligan. He has devoted a lifetime to public service. As a young Navy lieutenant, he endured kamikaze attacks at Okinawa. His heroism won a Silver Star. He went on to become a city councilman and a congressman. He was then elected governor of Ohio. Now at 78, he's not sitting around the farm or spending his days at the golf course. He's running for the school board of his hometown because, he says:

"There are 48,000 kids in Cincinnati public schools and the education they get in those public schools is their one chance for a decent and productive life ... We owe it to them. We owe it to our community and to the future of all our children to make our cities' schools the very best."

What a heartening story, in an era when far too many seniors try to avoid paying the taxes that would give young people a better education and when far too few good people of any age are going into public service.

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DAVID BROOKS, WHO CONTINUES to strike me as one of the most perceptive of today's conservative writers, recently observed in the *New York Times Book Review* that "a secret of George W.'s political success so far is that in the age of television politics, it is more important to be comfortable with yourself than it is to have built a long string of accomplishments."

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The same explanation goes a long way toward accounting for the recent lead Bill Bradley has taken in the polls of New Hampshire voters. This troubles me. I'm not at all sure Al Gore and John McCain should suffer because they are uncool. It seems much more important to me to look at what a candidate has done throughout his life than at the person he seems to be. The *Washington Post* columnist David Ignatius recently wrote about Al Gore as a student at St. Albans. He wasn't cool then but he was already a responsible leader.

The test of responsibility is one that I think Bill Bradley failed when he decided to leave the Senate when the Gingrich revolution was at its height and congressional Democrats were in the greatest peril. There are many things I admire about Bradley, but this is not one of them.

Bill Clinton hasn't sold out to the bad guys—the tobacco lobby or the gun lobby. How many Republicans can say the same!

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"OVER THE LAST 12 YEARS THE military has had an accident rate 81 times that of civilian airlines," reports Russell Carollo of the *Dayton Daily News*. Is this because military planes have been in combat? No, these accidents were not combat-related. Nevertheless, an average of 163 military planes have been lost each year during that period. Worst of all, the accidents have caused an average of 104 deaths per year.

Among the reasons for this shocking record is a system that protects contractors from suits even when they supply defective parts and that does not provide for independent investigation of the kind provided for civilian airline accidents by the National Transportation Safety Board, leaving accident investigations to people who often have a substantial interest in self-protection.

Another factor is sloppy maintenance. Maintenance-related accidents have more than doubled in the Air Force since 1992. This coincides with a period of military downsizing and commercial airline growth that encouraged experienced maintenance personnel to leave the military and go to work for a Delta or a United. Then there's the problem of inadequate training for those that remain. One survey of 210 Air National Guard mechanics found that 107 out of 210 "had not received mandatory skill-level training in over 1400 tools."

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FOUR OUT OF twenty-two stock analysts downgraded IBM after it announced that sales of its mainframe computer would be weak for the next six months. How many had downgraded it before the announcement?

One, reports *Newsweek*'s Allan Sloan, and he only reduced it to a "buy" from a "strong buy." The analysts who specialize in computer stocks are presumed to follow IBM closely and to be able to warn you, the customer, of unhappy news that's on its way.

This reminds me of a piece John Rothchild wrote for this magazine long ago in which he described his interviews with a series of these "experts". One after another, instead of offering bold predictions about the future, they probed for the names of stocks the other analysts had recommended.

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BACK TO HENRY CISNEROS FOR a moment. I have been told that the official who insisted on the indictment was Louis Freeh, who was said to be incensed that Cisneros had lied to the FBI even though, as we have already pointed out, the lie had nothing to do with Cisneros' public duties. I was thus interested to see a report in *Newsweek* that Freeh was more understanding when the lying to the FBI was done by his top aides. It seems that when Larry Potts, Freeh's hand-picked top aide, had to be let go because of his involvement in various cover-ups, there was a farewell party. His FBI pals flew into Washington from around the country. They billed the government for the travel, saying that it was for a non-existent "ethics seminar." That, of course, was a lie—and that lie *did* concern their public duties. Did Freeh insist that they be indicted? They were let off with a mild rebuke that charged them not with lying, but with "inattention to detail." I can understand why they might be forgiven, but not why similar mercy was not accorded Cisneros.

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ROBERT SAMUELSON RECENTLY wrote a column advocating means testing for social security benefits, a cause the *Monthly* has long supported. Jay Rockefeller is a splendid fellow and a good senator but he doesn't need social security. But there is another way to do something about this windfall for the rich and I'm indebted to Gene Ogden's recent letter to *The Washington Post* for reminding me of it: Require social security taxes to be paid on all income above $72,000. That income is not now subject to the tax. As Ogden points out, we now have "means-testing" in reverse. Low-wage workers pay 6.6 percent while the high income isn't taxed at all.

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HERE AT THE MONTHLY, WE have an editorial meeting after each issue goes to press to discuss possible subjects for future articles. Often we'll decide to do pieces immediately and assign them to

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one of our own staff or assign them to outside writers. But sometimes an idea just stays on the list month after month and never gets done. One example is an idea of mine that, while fascinating to me, has obviously never aroused much excitement among my colleagues. It is: Why do some excellent products lose their popularity or disappear even though they, at least when last seen, remained best or among the best in their field? One example is Rise, which I've always thought was the best of the shaving creams. It is impossible to find in Washington and in much of the rest of the country. Another is the MacIntosh, a wonderful cotton raincoat from England that was widely available in this country in the 1950s for $20 or so. I've given up on my colleagues on this one, but if anyone out there shares my curiosity, I welcome letters about Rise, the MacIntosh, or similar lost or vanishing products that deserved a better fate.

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IT SEEMS TO ME THAT THE "ISSUE" ad poses a great challenge for the media. "I don't want big government in my medicine cabinet" is an effective ad of the Harry and Louise variety that was so successful in killing the campaign for national health insurance in 1993-4.

When private lobbying groups publish such ads, someone needs to sort out the truth from the fiction. And that someone is the media. The media has recognized a similar responsibility—at least to a modest extent—in examining political commercials during campaigns, but to the best of my knowledge they have done nothing—beyond a few discussions of Harry and Louise after they did their damage—about confronting the problem of issue ads.

If reporters don't take on the responsibility of explaining to the public when the ads are misleading, and of doing the explaining *before* the damage is done, then the American people are going to continue to be brainwashed by the special interests that have the money to pay for the ads.

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LAST JUNE, TWO TEN YEAR-OLD boys were playing by a creek in a park in the state of Washington. They spotted a lighter lying by the bank, picked it up and started clicking it. A wall of flame shot up from the creek, enveloping both boys. A gasoline pipeline under the stream had ruptured. The fire burned all of the boys' clothing and too much of their skin for them to survive. They died later that day.

There are 165,000 miles of pipelines under the fields and streams of America and under the houses and other buildings where we live and work. At least 2,100 gallons of oil or other harmful liquids are spilled by pipelines an average of four times each week, according to Kim Murphy of the *Los Angeles Times*.

Although the technology exists that would allow companies "to conduct detailed internal inspections, detect leaks and shut off oil flows automatically in the event of a rupture," writes Murphy, "there are no federal regulations requiring those measures."

Here's another example of where the problem is not too much regulation, but too little.

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THAT'S WHY THE DEMOCRATIC counterattack I suggest on behalf of Bill Clinton should extend to another matter: the role of government. Don't let that lady get away with "I don't want big government in my medicine cabinet." Not just Democrats but every reasonable citizen should rise up and say "Look, sister, don't you really want a CDC to warn you of dangerous diseases, and don't you really want an FDA to warn you when what's in your medicine cabinet may not be safe? In fact, you want unsafe products kept off the market, period."

When that fat cat sitting next to you on the plane declaims against big government, ask him if he doesn't really want the government to make sure that this plane you're in is safe and that the pilots who are flying it and the air traffic controllers who are guiding them know what they're doing.

And since fat cats usually own stocks, ask him if he doesn't want an SEC to be sure he isn't cheated by crooked brokers. Freely concede government agencies can be made better—they can and should be—but don't let anyone forget that we need them.

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SPEAKING OF THE NEED FOR agencies and the need for them to do a better job, why did federal regulators take so long to catch on to the catastrophe that was brewing at the First National Bank of Keystone, West Virginia? The bank's losses will cost the Federal Deposit Insurance Corporation $800 million. Among the less-than-subtle hints that trouble could be expected was the contradiction between the bank's policy of paying higher-than-usual interest rates to its depositors and then investing their money in riskier-than-usual loans. The fact that a small town bank—Keystone's population was 627 at last count—had a president who owned two dozen Harley Davidsons is also enough to have aroused a tiny bit of curiosity among regulators.

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IN OUR NOVEMBER ISSUE WE criticized the EPA and the Justice Department for failing to be tough enough in enforcing clean air and clean water laws. So we should acknowledge that a week after our issue came out, the two agencies filed lawsuits against seven of the nation's largest utilities, asking federal courts to force the utilities to install pollution controls they should have installed years ago. We're delighted by the suit. Maybe they read the *Monthly*. ●

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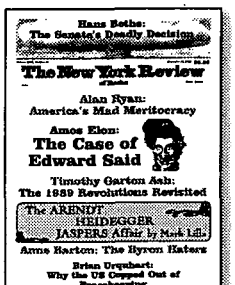

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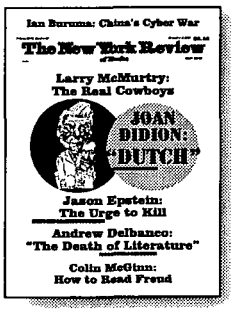

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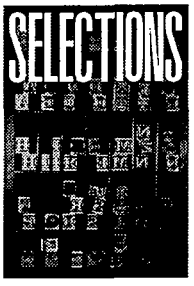

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Saving The Home From Martha Stewart

It may sound old-fashioned, but teaching Home Ec is common sense

BY ELIZABETH AUSTIN

I CAN WHIP UP A BITTERSWEET CHOCOLATE-and-mandarin orange cheesecake good enough to rub in your hair. I can do exquisite white-on-white embroidery, fashioning elaborate flowers and glossy leaves from a skein of thread. Yet I don't think I could plan, purchase, and prepare a week's worth of family meals or sew a simple dress if you held a gun to my head. When it comes to homemaking, I am an idiot savant.

No big deal, right? I mean, isn't that why God created cleaning ladies and Chinese restaurants? When a smart gal can pull down big bucks in the workplace, does it really matter if she doesn't do her laundry until she runs out of clean underwear?

Yes. In fact, I think it matters a great deal. Because I'm not alone. There are millions of men and women of my generation who are missing a whole cluster of basic life skills, who simply don't know how to iron a shirt, replace a button, paint a wall, or even scrub a toilet properly. We don't have the basic competence to run our homes smoothly and efficiently, so we can't pass down those skills to the next generation. And our functional illiteracy on the domestic front is having a devastating effect on our society. With the rise of Martha Stewart and the many Martha wannabes, we've created a strange culture of domestic elitism, in which only women who have the means to hire household help have the leisure to learn household skills. So those who can least afford expensive processed foods are the least able to prepare a nutritious stew or bake a loaf of bread.

But there's a simple solution to all this. To fight rampant consumerism, to reduce the divorce rate, to diminish child abuse, to prevent cancer and heart disease, and to ensure domestic tranquility, this is all we have to do: Bring back home economics.

Home Wrecks

All right. I can hear you snickering out there. You think home ec is trivial. Home ec is stupid. Home ec is sexist.

Well, if that's what you believe, just take a look at the core subjects in the home economics curriculum—child development, nutrition, personal health, personal finance, and consumer protection. Publishers make millions putting out books and magazines to feed our insatiable national appetite for information on all these topics. Of the 25 books currently leading Amazon.com's sales, nine of them would fit comfortably into any basic home ec reading list.

Everywhere you look, you see American families desperately in need of help with the basics of daily life. Consider our national epidemic of obesity, with 55 percent of American adults now overweight—due, in large part, to our increasing reliance on high-fat, high-sugar convenience foods. Our rapidly expanding national waistline is a major cause of heart disease and several deadly cancers. Perhaps most disturbingly, one in five children between ages six and 17 is overweight, and the number of overweight children in the United States has doubled over the past 30 years. If current trends continue, nearly half of today's children will eventually die of heart disease. Yet how many parents know the number of calories contained in a McDonald's cheeseburger Happy Meal? (It's 680, if you're interested.) And how many of those parents could tell you how many calories the average 5-year-old needs each day to stay healthy? (About 1,700).

ELIZABETH AUSTIN *is a Chicago writer.*

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We're equally inept when it comes to balancing our checkbooks. Despite our unprecedented economic expansion, there's been an explosion of personal bankruptcy, with some 14 million Americans filing for bankruptcy last year alone. That figure has almost tripled over the past decade. It's no wonder this magazine has devoted years to the quixotic promotion of Cheap Chic, trying to make it fashionable to cut up our credit cards and spend less. But how can you ask uneducated consumers to content themselves with cheaper products and pass up the overpriced name brands and designer labels, when price is their only basis for judging quality?

These are not trivial matters. And it is criminal that we are allowing generations to grow up without the basic knowledge they need to care for themselves, their children, and their homes.

CBS-TV Photos

Why learn to cook when you can watch Martha?

The Lost Art

For the first half of this century, the public schools took home economics education very seriously, at least where their female students were concerned. The notion that life skills could—and should—be taught in a classroom developed in the late 1800s. Just as university schools of agriculture promised to teach modern, scientific methods to farmers, home ec departments could bring the same level of sophisticated knowledge to their wives. Cornell University's legendary home ec department dates back to 1901, when the ag school started a correspondence course in home management for farm wives. By 1903, the school offered three for-credit courses in home and family life.

In its earliest incarnation, home ec expressed the high-minded principles of its female founders, who saw the new profession in the context of the progressive movement. "Women wanted home ec to provide women with a scientific education they could take into the community," says Sarah Stage, a professor of women's studies at Arizona State University and co-editor of *Rethinking Home Economics: Women and the History of a Profession.* "There was a lot of talk about 'that larger household, the city.' They were interested in female values, female moral authority that you could take into the larger world." Although their pioneering work has largely been forgotten, most of those early home economists were fervently feminist. In fact, the home ec department was often the only division on campus that offered women full professorships and the chance to move into higher administrative posts.

Over the years, however, home economics lost its lofty moral and political underpinnings. The idea that women would use this knowledge to begin housekeeping on a municipal scale gradually faded. Instead, home ec was viewed only as a means to teach individual students to care for their own homes and families. "Instead of 'Let's go out and help everybody,' the focus changes to 'Me and mine,'" Stage says. "The social mission of those earlier home economists was completely lost."

Wife Ed 101

Then came the women's movement. And home ec didn't stand a chance. The young feminists of the early 1970s viewed home ec (with some justification) as Wife Ed 101. To them, home economics conjured up a vision of white middle-class girls in ruffled aprons, learning to make a bechamel sauce. When the Home Economics Association invited noted feminist Robin Morgan to speak at their annual meeting, she told them bluntly, "I'm here to face the enemy." If they really cared about women's education, Morgan told the assembled home ec teachers, the best thing they could do was disband. The Dump Home Ec movement immediately caught on with school administrators, who saw a perfect opportunity to grab the moral high ground and cut costs at the same time.

The evaporation of home ec from the mandatory curriculum coincided with a new age in American consumerism. Shopping malls started springing up in cornfields, and a generation of middle-class Americans embraced the concept of shopping as recreation. Consumers who once limited their forays to the local department store were suddenly surrounded by a dazzling array of cute little shops selling cute little dresses. Suddenly, the solitary pursuit of home sewing didn't make sense anymore. Why invest $25 and untold hours in sewing a dress that might not turn out right,

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when you could probably find just what you were looking for at the local mall? And at the mall, you and your girlfriends could have lunch.

The demise of home sewing led inexorably to the rise of designer labels. Back in the home ec era, you never went clothes shopping without hearing some matron tsk-tsk at the price tag and say, "I could sew this myself for about five dollars." Even if a home seamstress didn't want to go to the trouble of whipping up a ball gown out of $5 worth of cheesecloth, she had the knowledge to recognize good craftsmanship. But when women forgot how to sew, they had no baseline to distinguish good-quality clothes from bad. Thus arose the designer brand, which reassured women that they were buying the good stuff (even though the label was often the only piece of quality material in the garment.)

The rise of the service economy made it possible for young middle-class women (and men) to avoid many of the domestic tasks they never quite mastered in the first place. Thanks to frozen foods, cleaning services, and carry-out restaurants, you could survive without drafting the detailed household management plans once required of home ec students.

Certainly, one of the engines of this change was the increasing presence of women in the workplace. When you devote 40 or 50 hours of your week to earning wages, simple mathematics shows that you're going to have less time for housekeeping. But the change went deeper than that. In fact, American women have always worked. (Even in the hyperdomesticated 1950s, nearly half of all mothers worked outside the home.) The difference was that now neither men nor women considered homemaking to be as valuable as wage-earning. Women whose mothers had prided themselves on their shining floors and snowy linens now boasted that they hadn't cleaned their refrigerators in two years. An untidy house became a badge of honor, showing that the tenant had more important things to do in life.

Enter The Domestic Diva

Then came Martha Stewart.

In 1982, Martha Stewart launched her empire with *Entertaining*, a book of party recipes and menus. In and of itself, that was hardly revolutionary. Gourmet cookbooks and recreational cooking had been popular among affluent consumers for years, since

Craig Claiborne and Julia Child introduced sophisticated cuisine to an eager American audience. But Martha was something different. Despite her slick, smug, and self-congratulatory tone, she touched a chord that resonated throughout the country. Annoying as she was, no one could doubt that Martha Stewart took homemaking very seriously indeed. And, as Martha would say, we thought that was a Good Thing.

Martha's appeal stretched across demographic boundaries. K-Mart hired her to create Martha's World, a store-within-a-store in its home departments, after the company's market researchers found that their shoppers trusted Martha Stewart even more than their own doctors.

But the domestic diva is hardly a proponent of Cheap Chic. Just look at her own catalog, "Martha By Mail." If you're planning a holiday meal, you might send off for her complete turkey cooking kit, which includes an instruction booklet, a 6-inch trussing needle, a spool of cotton twine, a stainless steel roasting pan and adjustable rack, a baster, a thermometer, a pastry brush, a fat separator and cheesecloth, for the low, low price of $128—plus shipping. For dessert, you can order her exclusive canvas pasty cloth, a pastry cutter, wheel and brush, two pie tins, a copper cookie cutter, and a pie basket for only $102. With her books, TV shows, and magazine, Martha Stewart has become our national home ec instructor. And we've paid her a billion dollars to do it.

"I think people are missing something in their lives, and they haven't quite figured out what it is," muses Virginia Vincenti, professor of Family Consumer Sciences at the University of Wyoming. "Martha makes people think of a time when we paid more attention to home life. I think she fools them into thinking that what she's doing is going to recapture this wonderful sense of security, that 'life is ok' feeling."

The problem is, Martha presents an unattainable goal of domestic perfection, and then makes us feel guilty when we're unable to achieve it. She tells us it's only laziness that keeps us from following in her perfectly shaped, impeccably color-coordinated footsteps. But it's ridiculous to advise suburban Americans to obtain the freshest eggs by raising their own chickens. It's almost as silly to teach us the correct way to iron the monograms on our towels (no doubt using the "Martha By Mail" $125 steam iron). What we really need is a good anti-Martha, someone who could promote living well while living on less. In other words, what we need is a real home ec teacher.

Home Ec—Now More Than Ever

In my daughter's high school, like most high schools nationwide, home ec is no longer a mandatory subject. Instead, the kids are required to take Consumer Economics. We don't even try to teach them how to produce or repair. We just teach them how to buy. "It's a very different ethic," comments historian Stage. "'Make over and make do' was the motto of home

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economics. Now nobody wants to do that any more."

However, I'm starting to see signs that Americans are rediscovering those neglected homely arts. Cheryl Mendelson is the author of *Home Comforts: The Art and Science of Keeping House.* In its 884 pages, she does more than give helpful household hints on the most efficient way to dust a piano or remove a grease spot. She talks about the philosophy of making a home, why it's important to her, and why it should be important to the rest of us. "When I talk about housekeeping, I don't mean just cleaning," says Mendelson, a lawyer and professor who holds a Ph.D. in philosophy. "It's the whole concept of the structure of private life, organizing this physical environment for yourself and others."

In 1997, Arlie Russell Hochschild brewed up a storm of controversy with her book, *The Time Bind: When Work Becomes Home and Home Becomes Work.* Pundits turned themselves inside out trying to figure out why Americans are so willing, even eager, to put in extra hours at the office. But one basic fact seems paramount: The office is generally tidy and bright and there's always hot coffee in the pot. That's not because the office cleaning staff is particularly skilled; it's because we value what goes on in the workplace, and we all agree that you can't work effectively or productively when you're surrounded by chaos. So office managers hire window washers and rent potted plants, and workers stay late to reorganize their file cabinets and clear their desks. Similarly, we wonder why teenagers choose to hang out at the mall. Could it be that there's no hospitable place at home where they feel comfortable entertaining their friends?

We just aren't willing to put energy and effort into the home front. In every decision we make, we reinforce the notion that home life always runs a distant second, or even third, to the other spheres of existence. Even in child-rearing, home always comes last. When was the last time a parent insisted that a child skip a soccer game because it conflicted with family dinnertime? "This is something I'm rabid about," Mendelson fumes. "You can't have a democracy without a home life, this place where people go that's apart from work or government. People who don't have a strong private life and a strong home cannot resist their jobs. It leaves no place where a different set of values comes into play."

Bringing It All Back Home

Obviously, this isn't a problem that can be solved in the classroom alone. But it seems clear that schools could fan the resurgence of interest in the domestic arts. If high schools required two years of home ec—complete with homework—for every student, many parents would get with the program. I got a personal taste of this last year, when my daughter took an elective six-week cooking class at her parochial elementary school. Inspired by her emerging interest and developing skills, I began using her as a sous-chef, assigning her to chop onions and saute chicken strips. We probably spent more time cooking together during those six weeks than we had in the preceding 13 years, and it helped me to revive culinary skills I'd long forgotten. And I realized I'd actually save time if I made pizza at home, instead of driving to the local pizza parlor to pick up my carry-out order.

For the thousands of kids who don't have skilled adults to teach them, a renewal of home ec classes could be a godsend. I remember some years back, when one government official responded to critics of the stingy food stamp program by living on the basic allotment for seven days. He and his wife sat down to a week of nutritious but inexpensive cuts of meat, and beans prepared from scratch, with the smiling approval of a band of nutritionists. There's just one problem: Who the hell remembers how to cook beans any more? You have to sift them (to remove the stones), soak them overnight, then let them simmer for hours. Most middle-class housewives have forgotten that ritual. Why do we expect needy young people to figure it out on their own?

We need to do a better job of teaching our children how to live, and we need to start right now. First of all, that means that we've got to make home ec education a priority on the college level. The number of degrees awarded in family and consumer sciences dropped by 94 percent from 1968 to 1991. Currently, five states don't offer a single undergraduate program in home economics education, and the number of programs in other states is dwindling. Right now, we don't have enough qualified teachers to staff our current programs, much less expand them.

Parents need to demand that their school systems offer a comprehensive home ec curriculum. It's not enough to teach seventh-graders how to make chocolate chip cookies. "Learning to live is not something you can cram into a 10-week course," Vincenti says. No one—male or female—should graduate from high school without demonstrating the ability to run a washing machine, fry an egg, balance a checkbook, compile a grocery list, and use a power drill. "Just as students need to know math and science, they need to know how to function in life," Vincenti believes. And don't listen to critics who worry that such plebian instruction will nibble away at more valuable academic classes. Our schools have made time for drug and sex education; we can find time for this too. Because, in the end, there's no place like home. ●

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Tidbits & Outrages

Is that a watch in your pocket or are you just happy to see me?

In August, the school district in Columbus, Ga., assigned aides to alter textbook photos of Emanuel Leutze's famous "Washington Crossing the Delaware" painting because some grown-ups thought parts of Washington's pocket watch might appear to fifth-graders to be the Founding Father's penis.

Pending further notice, soda bread and leprechauns are still OK

The Boston Housing Authority, as part of its "diversity program," has come up with a list of politically incorrect symbols, which includes such things as the Confederate flag and the swastika — and the shamrock.

In the spring catalog: hunting the last pandas

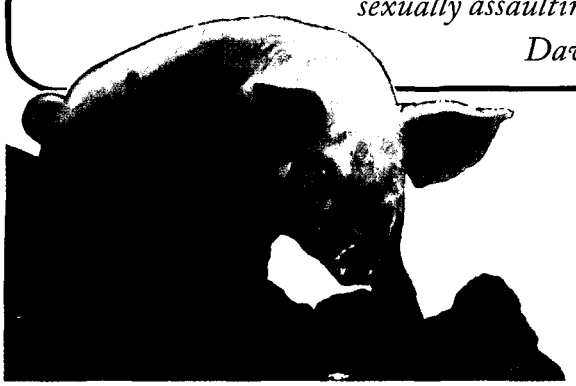
Neiman Marcus is currently offering their customers a chance to own a crocodile leather chair, made out of a crocodile that they hunted themselves. For $75,000 Neiman Marcus will fly you to Australia, where you will "participate in the hunt at whatever level you feel comfortable." Your trophy will then be turned into a chair made to your specifications, with a special certificate of authenticity.

"Tonight we're gonna collate like it's 1999"

Because of the increased need to have people at work on New Year's Eve this year, employers are offering incentives to those willing to forgo the holiday and stay at work. A New York public relations agency, Burson-Marsteller, is giving employees $2,000, champagne and a hotel room. In San Jose, Cisco Systems will have thousands of employees eating lobster tail and enjoying gift packages. In Seattle, Microsoft will be throwing a party for about 300 staffers. The computer giant will hand out time capsules, have a deejay spinning tunes, and will be serving employees dinner and champagne.

The love that dare not speak its name

Florida animal control officers want to neuter a stray pig for sexually assaulting a man's Harley Davidson.



You should have read my lips

Republican Tillie Fowler was elected from Jacksonville, Fla., in 1992 under the slogan "Eight (years) Is Enough." Fowler said in December 1998 that she might run in the year 2000 anyway, because "my problem was, I was too honest (when I made the pledge)."

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Snake Eyes

Even education programs can't redeem state lotteries

By Nicholas Thompson

In 1990, Zell Miller, running for governor of Georgia, figured out a way to increase spending on education without raising taxes: Create a lottery to fund scholarships for high school achievers. Miller's proposal, "Helping Outstanding Pupils Educationally" (HOPE) caught on and helped sweep him into office.

HOPE works. It has financed higher education for hundreds of thousands of students in Georgia. It also seems wondrously simple: a voluntary tax (no one is forced to buy lottery tickets) to fund a clear, concise, and universally acclaimed goal. Every high school student in Georgia with at least a B average now has the opportunity to attend one of Georgia's universities; if they keep up their Bs in college they're funded until graduation. HOPE brought Miller national attention and numerous state governments are considering copying the program.

But despite HOPE's success, there's a trap in its seeming simplicity. Lotteries aren't taxes, but they certainly aren't free. They compromise values, feed a very dangerous industry, and end up snuffing out the success of even the most well-intentioned initiatives. Other states should copy the educational blueprint of the HOPE program, but they shouldn't copy the funding.

The trouble with lotteries begins when you hand over your dollar in a convenience store. The money doesn't go straight to the state government or to its college education fund; it is processed by a Rhode Island corporation called Gtech. Gtech prints the tickets for the states, provides the software for the gambling devices, organizes the drawings, and even trains convenience-store owners on how to run their computers. Gtech was founded in the early 1980s and, of the 38 lotteries run nationally, the company has won the contracts to manage 29—getting about a nickel from every dollar ticket sold. It doesn't seem like much, but these nickels have added up. The company has annual revenues of just under $1 billion, and is traded on the New York Stock Exchange.

Much of Gtech's success comes because it has something good to sell and it sells it well. It has always been able to work efficiently and, by most accounts, it has scrupulously fulfilled its contracts.

But to many people in the business, Gtech's extraordinary success doesn't just come because it gets up at dawn and eats its vegetables. It's because the company knows how to work the back alleys with sweet talk, hard bargains, and, its critics say, coercion. In California, a Gtech lobbyist on trial for bribing lawmakers was caught by a hidden tape recorder calling state lottery director Sharon Sharp "our gal." Sharp had handed Gtech the California contract without opening the process to competitive bidding. In Georgia, Lottery Director Rebecca Paul called a closed-door session with the company when Gtech's bid came in $50 million above the low bidder. After Gtech agreed to drop its price by just $23 million, Paul inked the deal. Did Paul cut Gtech a break because she was offered a job? Probably not, but she certainly knows that the company takes good care of lottery directors who show it consideration. Three directors of the New York state lottery have gone to work for the company as lobbyists or consultants, as have numerous directors from other states. After a conflict over Massachusetts' lottery, director James Hosker, a close friend of Gtech's, took the job managing Kentucky's lottery and secured a sweet deal for the company in that state. Where did Hosker move next? A lucrative job on the Gtech payroll.

As one person close to the company said anonymously, "If it loses a contract, it sues everybody. But it usually wins because it offers future jobs to every state lottery director." When asked why he insisted on being quoted off the record, he responded: "It's the third rail

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of the gambling industry. You touch it, you die."

But Gtech doesn't just make sure that what goes around comes around; it runs an operation that would make any K Street lobbying firm proud. One former gambling industry reporter recalled being taken out to play golf by Gtech. "I played 18 holes with the Gtech guy and he shot something like a 70 on a very hard course. That's almost like a pro and I was very impressed. I asked him at the end how he was so good if he also had to work for Gtech. He told me that Gtech had just hired him to play golf with clients."

Nor would Gtech be Gtech if it didn't understand the importance of well-placed friends, and the company corrals power from any angle it can find. In Texas, it hired the boyfriend of the state lottery director. In New York, it hired a dear childhood friend of Lottery Director Peter Lynch. In other states it retains former influential politicians simply to work the dinner-party circuit. In Texas, the company hired Ben Barnes—legendary former speaker of the Texas House of Representatives and the man who, according to many reports, got young George W. Bush out of the draft and safely into the National Guard—for the princely annual salary of $3 million. Other prominent Gtech lobbyists have included William Daley (now secretary of commerce) and William Broadhurst, an extremely close political advisor to the governor of Louisiana when Gtech was fighting for that state's contract. Broadhurst, of course, first came to the public's attention when he chartered the "Monkey Business" and introduced Donna Rice to his close friend Gary Hart. Hubert Plummer, the former president of one of Gtech's competitors famously once said, "We'd go out to dinner with the lottery director and find that Gtech had hired a yacht and taken out the whole goddamn legislature."

But if many of the company's critics are to be believed, Gtech doesn't just buy and schmooze with people, it intimidates them—charges that Gtech emphatically denies. When Bruce Mayberry, the Arizona lottery director in 1993 (now an employee of one of Gtech's competitors) got into a dispute with the company, he soon found a crate of rotten mutton on his doorstep with a note attached: "Enjoy." A gruff Gtech spokesman explained that the meat was, of course, a goodwill present gone bad through a combination of Arizona heat and DHL's slow service. As he said later in a terse interview, "It's a rough business." Indeed.

Capitol Hill Roulette

But the rough business doesn't stop with Gtech. It climbs all the way up the political chain. Americans spent close to $600 billion last year gambling—more than we spent on movies, theme parks, and sporting events combined. Not surprisingly, swimming in this muddy river of cash, gambling and lottery interests have turned themselves into one of the most powerful interest groups in America. When Jim Hodges ran for governor of South Carolina, he was virtually pronounced dead until he decided that, despite his prior vehement opposition, he wanted to introduce an education lottery to South Carolina. Bingo. Money started pouring in and, with strong evidence of as much as $30 million dumped into his bank account by gambling interests, he was able to defeat Republican incumbent David Beasley. As Glen Stanton, a South Carolina activist who worked on that election, said to *Harper's Magazine*, "Hodges just took the lottery, turned it into a blunt instrument and clubbed Beasley senseless."

The gambling industry knew that introducing a lottery into South Carolina would help open the gates for casinos. Having a lottery empowers gambling advocates and undercuts government authority to prohibit gambling. If it's moral for the state to do it, why should it be absolutely immoral for Donald Trump or a Native American tribe to do it too? Patrick Pierce of St. Mary's College in Indiana has shown statistically that by far the most important variable determining whether a state will introduce a casino in a given year is the existence of a lottery—it's much more important than state income, tax level, or even political makeup. Lotteries are "the camel's nose" for legalized casino gambling, writes Pierce.

Gambling interests also know that a lottery in one state often puts political pressure on its neighbors. Georgia estimates that 12 percent of their lottery ticket sales come from residents of neighboring states—one of the main arguments that Don Siegelman used while running for governor of Alabama in 1998 on a platform dominated by a proposal to create an initiative mimicking HOPE. Why, he argued, should residents of Alabama be supporting Georgia's educational system? Siegelman invoked the Georgia example 17 times in a 400 word op-ed piece in the *Birmingham News* supporting the initiative one year later. This also shows one of the core problems in our federalist system—when one state cuts harmful industries some slack, be they lotteries or sludge-belching factories, its neighbors often have to follow suit to stay competitive.

The Industry

The momentum of lotteries becomes particularly troubling for opponents because the gambling industry has wrapped itself around much of America's political leadership. House Leader Richard Gephardt's chief

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fundraiser, David Jones, has enlisted Mirage Resorts owner, Steve Wynn, in an effort to raise $1.5 million in soft money for upcoming congressional campaigns. Wynn has given at least that much to Republicans, but like many other casino tycoons, he knows that a good way to win in politics is to bet on every horse in the race. An aide to Henry Hyde was covertly offered $10 million by Primadonna Resorts (see Memo of the Month) in return for landing them a casino license in Illinois; the plan was only foiled when a man chasing an unrelated conspiracy theory stumbled upon the critical files in a trash can. Senate Minority Whip Harry Reid (D-Nev.) unabashedly admits that he owes his career to gambling interests; Senate Majority Leader Trent Lott (R-Miss.) is deeply involved in the National Republican Senatorial Committee (NRSC) that, according to the non-profit watchdog Public Citizen, received $1.26 million from the gambling industry in 1997-98. Mitch McConnell (R-Ky.), the man commanding the *jihad* against campaign finance reform, has raised at least $1 million for the GOP in the last three years from the gambling industry.

It is possible to create good programs without funding them through lotteries.

To see how clearly this money can burn up an open political process, consider what happened in March of 1998, when Sen. Dan Coats (R-Ind.) proposed eliminating the federal tax deduction for gambling losses—a tax deduction which counts money lost on the blackjack table as equivalent to money donated to Habitat for Humanity. Within five days, casino interests came up with at least $450,000 to donate to the NRSC and both the Democratic and Republican leadership grabbed their golden hatchets and worked to kill the bill before it could be debated. Sen. Reid promised to gut the bill with amendments. Senate Minority Leader Tom Daschle (D-S.D.) immediately denounced it. Trent Lott tried to work out compromises that could railroad the bill before it came to the floor. According to one Republican aide cited by Public Citizen, "Lott did not want us to get down there on the floor and debate it, because it was very difficult to defend." Not surprisingly, the bill died a sudden death—just like virtually every other attempt to regulate gambling in the public interest. A bill to give the casino industry a special tax exemption for free meals provided to workers made a slightly different journey one month later. Senator Lott slipped it, without debate, into a House-Senate conference version of the IRS Reform Bill.

Selling Sloth

The trouble with lotteries, however, extends well beyond Gtech and the gambling industry lobbying machine. By adopting lotteries, state governments put themselves in the awkward and self-defeating position of having to betray the values that they usually hold dear.

First of all, lottery officials rely on deceptive advertising of the sort that state governments normally try to harness. The whole business of lotteries depends on convincing people that their number might come up—in fact that their number *will* come up if only they play enough. After all, lottery officials reason, if people don't buy tickets there isn't as much money to fund education. The result is advertising like one television spot in Connecticut that showed a smiling young man: "When I was younger I suppose I could have done more to plan my future. But I didn't. I guess I could have put some money aside. But I didn't. Or I could have made some smart investments. But I didn't. Heck, I could have bought a one-dollar Connecticut Lotto ticket, won a jackpot worth millions, and gotten a nice big check every year for 20 years. And I did! I won!" A voice-over followed as the young man grinned, "Overall chance of winning is one in 30." One in 30, of course, was the chance of winning a small prize and a smile from your convenience store owner, not of striking it rich.

Unlike other sweepstakes and raffles, state lotteries are not required to publish the honest odds of winning. Why don't they? Because the odds are virtually zero. Perhaps the best example of the likelihood of success comes from the North American Association of State and Provincial Lotteries, a pro-lottery lobbying organization seemingly oblivious to its own irony. "Anyone can be struck by lightning any time, any day. You can only win Powerball if you buy a ticket and then only on drawing days...Here's something to think about. Of the people struck by lighting in 1995, some were golfing, some were picnicking, fishing, boating or hiking—not one was playing lotto at the time."

States that run lotteries also focus their efforts, and in many ways their deception, on the people who are most susceptible to their message—the people who the state normally tries the hardest to support: the poor. One Massachusetts study found that the average resi-

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dent of relatively unaffluent Chelsea spent $455 a year on the lottery while residents of nearby, prosperous Weston spent only $30. Taking advantage of this bias, an advertising plan for Ohio's SuperLotto read, "Schedule heavier media weight during those times of the month where consumer disposable income peaks....Government benefits, payroll and Social Security payments are released on the first Tuesday of each calendar month."

States also often try to sell sloth as a way to convince potential customers that a lottery ticket offers a free ride to the high life. A 1996 Massachusetts state lottery ad contrasted two possible paths to millions on parallel sides of a poster. The first option: "Start studying at about seven years old, real hard. Then grow up and get a good job. From then on, get up at dawn every day. Flatter your boss. Crush competition ruthlessly. Climb over backs of co-workers... Do this every day for 30 years, holidays and weekends included. By the time you are ready to retire, you should have your money." The second option: two lottery tickets.

Worst of all, state lottery officials have incentives to turn moderate lottery players into compulsive gamblers. Five percent of the population buys 50 percent of all lottery tickets and these people need constant fixes. Although state lotteries started out 20 years ago as simple, uninspired raffles (write your name on the back of this piece of paper and one day we will tell you if you have won), lottery officials soon realized that, in America, instant gratification sells. In due course, states started promoting instant games, supergames, and even started running flashing casino-like games. The worst of the lot is high paced poker played on video terminals—frequently referred to as "video crack" because of its addictive powers. "Almost without exception, my video poker patients report not excitement but anesthetized nothingness. It's a twilight-zone experience for them," says Robert Hunter, an expert on compulsive gambling. Video poker is run by the governments of eight different states. "There was one machine that I could confuse the most," said Betty Yakey to *The Washington Post.* Yakey, a 65-year-old widow, wiped out her grandson's college saving fund (set up by the sale of her family farm) by playing state-sponsored video poker in Louisiana for five or six hours daily. "When I played that machine, I didn't worry about nothing."

Sleeping Watchdogs

Although state lottery ads are not regulated by the FTC or the Better Business Bureau, the press, particularly television, has not stepped in to play a watchdog role. One would be hard-pressed to find a TV station that explains the insane odds against winning when showing lottery drawings on the 7 o'clock news or that reports on state lottery ads with the same vigor with which it peers into political campaign commercials. There have been some exceptions, but the trend veers away from intense scrutiny.

The euphoric side of lotteries does of course fit better into our common television format: One winner jumping and screaming plays better than 20 million poor saps kicking the floor after they lose; a busty woman picking glowing balls out of a hopper has more appeal if there isn't a voice in the background explaining the futility of the charade. But another explanation for this one-sided coverage deserves consideration. State lotteries spend more than half a billion dollars a year on advertising on television, radio, posters, and in any other rewarding medium. The Maryland state lottery, for example, bought well over $1 million worth of ads with major television stations in the first nine months of 1999. As with all media advertising, there is scant direct proof that the purchases influence coverage, but commercial television producers know where every dollar their station or network gets comes from. And like lottery advertisers who can justify their machinations by the greater good created in the long run (manipulative advertising may be bad, but it does help education), the news media have the same argument on hand. If they can't maintain their revenue stream, they won't be able to fund their public services.

Unfortunately, the propaganda is getting through to Americans. According to a July 1999 poll by the Consumers Federation of America and Primericam, 27 percent of Americans believe that winning the lottery is their "best chance to obtain half a million dollars or more in [their] lifetime." This is a grim statistic which would surely change if states were to cancel their lottery ads and instead publicize the wonders of compound interest: $50 invested weekly with a 9 percent return would yield over $1 million in 40 years.

Betting on Schools

In his victorious race for the governorship of South Carolina, David Hodges milked the Georgia lottery issue as well as one could, arguing over and over again that mimicking the HOPE program would be his state's ticket to success. One of his ads showed a convenience store clerk in a Georgia Bulldogs T-Shirt, "Here in Georgia, we appreciate you South Carolinians buying our lottery tickets, over $100 million worth. Those Georgia tickets y'all buy pretty much pay for our world-class preschools."

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Hodges is right to want to imitate Georgia's educational success but he is wrong to draw inspiration from the way Georgia funds its HOPE program. Instead, he should draw inspiration from one of his predecessors, Richard Riley.

In 1985, Governor Riley, now Clinton's Secretary of Education, decided that his state needed an educational overhaul. He didn't, however, look to a lottery. He convinced leaders in the business community that more skilled laborers would help South Carolina's commerce. He then convinced teachers' unions to support merit pay by offering them a 16 percent pay increase. Riley then mailed out thousands of copies of his plan to voters across the state and described his plan in hundreds of speeches. He pushed his plan through a reluctant state legislature by twisting arms, asking constituents to phone their representatives and arguing his case until he was hoarse. Although he had initially met with near-universal opposition, Riley's reforms passed and were paid for with a 1 percent increase in state sales tax. A RAND corporation study that year declared that Riley's plan was "the most comprehensive single piece of legislation improving education to come out of any state." SAT scores went up and more and more of the most talented high school students decided to continue their education.

Next fall, South Carolina voters will have the chance to accept or reject a referendum on Gov. Hodges' plan for a lottery to fund educational improvements. There's little doubt that gambling interests will provide the ref-

Who's Who

By Susan Threadgill

There's a new consulting firm in town and you might say that its two partners seem an unlikely pair: **Henry Kissinger**, who became famous as **Richard Nixon**'s national security advisor, and **Thomas F. "Mack" McLarty**, who served as **Bill Clinton**'s chief of staff. This isn't as odd as it appears. It's actually quite customary for a Washington firm to have Republican and Democratic partners so that the firm can flourish regardless of who is in power. Is it possible that lucrative fees could temper ideological differences? We're only asking.

If you watched the first **Gore-Bradley** debate in New Hampshire, you may be interested to learn that the man who asked Al Gore the question about politicians' behavior and then told reporters he wasn't satisfied with the answer was not exactly a disinterested citizen, reveals **Paul Bedard** of *U.S. News and World Report*. In fact, he was a Bradley campaign worker named **James Sheridan.** On the other hand, when Al Gore cited an Emory University study to support his claim that Bradley's health care plan would cost too much, he didn't mention that the health care scholar who crunched the Emory numbers was **Kenneth Thorpe**, who just happens to be a former **Clinton** administration official, according to *The Wall Street Journal*'s **Bob Davis** and **John Harwood**.

It turns out there was a **Red Bone** in **George W. Bush**'s past. Red, you will recall, was the wizard who turned **Hillary Clinton**'s $1,000 into $100,000. Now it seems that **Richard Rainwater,** a wealthy Texan, turned a $385 investment by W. into $45,512, a feat that in percentage terms is even a bit more impressive than Bone's. But Rainwater's kindness to W. didn't stop there. A long story in the October 30 edition of *The New York Times* details a list of transactions by which Rainwater helped Bush's wealth to grow, the best known being Bush's investment in the Texas Rangers, which grew in value from $600,000—the stake that was given him by Rainwater and other investors—to almost $15 million in just nine years.

Speaking of **Bradley** and **Gore**, Democratic wise man **Bob Strauss** recently told *The Hill*: "I wouldn't be a bit surprised if Gore wins Iowa and his opponent wins New Hampshire. And if Gore wins California and his opponent wins New York, we've got a campaign that could go all the way to the convention." Old-timers tell us that the last close race at a Democratic convention was in 1956 when the vice-presidential balloting seesawed back and forth between **John Kennedy** and **Estes Kefauver** before Kefauver narrowly eked out a victory.

After we had written the item comparing the investment help **Hillary Clinton** had received to that given **George W. Bush**, *The Washington Post*'s **Richard Cohen** wrote a column that

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erendum with strong financial support. But even so, there are encouraging signs that voters are starting to turn against gambling and realizing that, as Riley did, it is possible to create good programs without funding them through lotteries. In Alabama, voters recently rejected Don Siegelman's lottery referendum based on the HOPE program only a year after electing him in no small part because of his lottery proposal. Even in South Carolina, the state supreme court and state legislature recently banished video poker, against the wishes of Governor Hodges, with polls indicating that 60 percent of the population was in favor of the decision. Of the 25 state referendums on gambling since 1994, anti-gambling advocates have won 19.

That's good news for South Carolina and it's not terribly surprising: Pro-gambling soundbites work well when there's a lot of other stuff on voters' minds. Anti-gambling arguments work well when there's time to think. This is why governors can often use the issue as a wedge to get elected when there are scores of other issues on voters' minds; but it's also why referendums fail more often than not when they are put under the microscope

South Carolinians will have plenty of time to consider the issue next fall and, if I were a betting man, I'd put my money against the initiative. After all, the HOPE program helps to create winners; but lotteries, no matter how well-intentioned, make losers of us all.

Research assistance provided by Nicole Morgan.

posed an interesting question. Why did the media make a federal case out of Hillary's good fortune, and, except for the story in *The New York Times*, find the more generous assistance given Bush unworthy of note?

Amanda Ripley described in our October issue how a respected Washington law firm, Verner Liipfert, with such distinguished members as **Harry McPherson**, **George Mitchell**, and **Bob Dole**, had become hooked on tobacco money. Now it appears that the firm is making a major move up the addiction scale. It is working, reports the Washington Whispers column of *U.S. News and World Report*, "to snuff out legislation presently before Congress that would bar drug traffickers and their business associates from doing business in the United States." Say it isn't so, fellows.

Some cynics suspect that **Bob Bennett** leaked information unfavorable to client **Bill Clinton** in an effort to curry favor with journalists—most notably in Clinton's case, **Bob Woodward**. They will find fellowship with friends of **Don Rostenkowski** who claim that Bennett did the same favor for the former Chairman of the House Ways and Means Committee, when Bennett represented Rostenkowski a few years ago.

Here's how **Bill Bradley** explains what he did after he left the Senate in 1996: "I engaged outside of Washington in a dialogue with the American people about where they saw their lives and where they'd like to take this country." What did he actually do? He made $327,000 consulting for J.P. Morgan, made a trip to Scotland for Salomon Brothers, and worked for other securities firms, including Smith Barney, Fidelity, and Dean Witter Reynolds. He earned $2.7 million for speeches to such organizations as Chase Manhattan, the National Wholesale Druggists Association, and the National Association of Pharmacy Boards. Where were the people, you ask? He did speak to Boys and Girls Club, of Long Beach, California. And just to show what a populist he was at heart, he reduced his top fee of $34,000 to $28,000. Anything for the kids.

You may recall our item some months ago about the champion traveler of all Capitol Hill staffers, **Leo Giacometto**, the assistant to Senator **Conrad Burns** who managed 13 trips to such places as Hilton Head and Pebble Beach in just one 17 month period. Now we learn from *The Washington Post*'s **Al Kamen** that Giacometto is going to nirvana for government junketeers. He is becoming a vice-president for public affairs of Morrison Knudsen Corp., a giant construction company. With that rank and that kind of corporate bankroll, he'll be able to sign his own travel vouchers. The only question: Is the next stop Honolulu, Paris, or Rio?

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The Washington Monthly Journalism Award

OCTOBER 1999

PAUL M. BARRETT

"The Evolution of a Cause: Why the Gun Debate Has Finally Taken Off"

Wall Street Journal: 10/21

Guns have finally met their match: lawyers. While the NRA's pit-bull lobbyists blocked gun-control legislation on Capitol Hill, a plucky sole-practicioner, a civic-minded activist, a venerable lefty judge and a wily law professor created a legal framework for cities and victims' families to sue gun manufacturers.

RUSSELL CAROLLO

"Falling from the Sky"

Dayton Daily News: 10/27 - 10/29

In a well-researched and documented series, Carollo asks why the military has had an accident rate 81 times higher than civilian aviation over the past 12 years. *See "Tilting at Windmills," p.6.*

JONATHAN FRIEDLAND

"Mexico Tries to Take Welfare Politics Out of Welfare and Focus on Neediest"

Wall Street Journal: 10/15

Faced with huge debts from the peso crisis of 1994 and the costly rescue of its toll-road system, Mexico could no longer afford expensive milk and tortilla subsidies that had long been at the center of its social assistance programs. That turned out to be unexpectedly good news for Mexico's rural poor when President Ernesto Zedillo's government replaced the subsidies with Progresa—an $800 million annual program that funds monthly payments to women in Mexico's impoverished countryside with strings attached: they must keep their children in school, bring them to regular medical check-ups, and attend health lectures at their local clinics.

ROD NORDLAND

"Where is the Next Chernobyl?"

Newsweek: 10/18

At the Leningrad Nuclear Power Plant, reporters are laughed at for wearing protective clothing, a worker brags about swimming in the plant's waste-water, and one of the three known heroin addicts to have worked at the plant in recent years has dropped dead of an overdose. Nordland's harrowing look at fissures in global nuclear safety ranges from the irradiated town in Siberia where there has not been a normal birth in two years to the Scottish beach where leakage from a nearby nuclear storage facility gave new meaning to the term "hot sand."

JAMES RISEN

"To Bomb Sudan Plant or Not: A Year Later, Debate Rankles"

The New York Times: 10/26

In August 1998, President Clinton ordered a cruise missile attack on Al Shifa, a pharmaceuticals plant in Sudan. The administration justified "Project Infinite Reach" by alleging that it was connected both with chemical weapons and Osama bin Laden. Based on conversations with present and former members of the administration, Risen explains how a report pointing out troubling issues was killed and discussion of weaknesses in the administration's position was squelched in the run-up to the attack.

THE MONTHLY JOURNALISM AWARD is presented each month to one or more newspaper, magazine, radio, or television stories (or series of stories) that demonstrate a commitment to the public interest. We are particularly interested in reporting that explains the successes and failures of government agencies at all levels and of other institutions such as the media, corporations, unions, and foundations that contribute to the existence or solution of public problems. Please send nominations (including two copies of the article or broadcast text) to The Washington Monthly Journalism Award, 1611 Connecticut Ave. NW, Washington, DC 20009. Or e-mail us at **editors@washingtonmonthly.com**. Nominations for stories run in November are due December 1.

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America's Real Drug Problem

Pharmaceuticals have replaced hospitals as Americans' prime health worry

BY ROBERT WORTH

FRANK AND LOIS DEZELICH NEVER considered themselves poor. Frank worked in construction and building insulation all his life, and when they retired they built their own home in Bedford, Va. Then Frank had a stroke, and lost his speech and became paralyzed on one side. Medicare, the federal program to insure the elderly against the high cost of medical care, paid for most of his hospital expenses. But after he came home he had to start taking six different medications, to control his seizures and ulcers, keep his muscles from knotting up, and to manage other side effects of the stroke. Neither Medicare nor the "Medigap" supplements Frank and his wife pay for covers the cost of prescription drugs. And that cost is astronomically high. Soon after Frank returned from the hospital, Lois was paying over $400 a month for drugs alone, plus a variety of other medical supplies that weren't covered. All together, she was putting over half of their monthly income into health care—and she had a daughter and granddaughter to support too.

In theory, people like Lois and Frank can switch to one of the three Medigap plans that does cover drugs. But when Lois tried, she was denied because of Frank's "pre-existing condition." Meanwhile, the price of Frank's drugs is going up, and Lois is worried that soon she won't be able to afford them. "The hardest part is not knowing whether he's going to get his medication," she says. "I'm on the phone with the pharmacy almost every day to try to get free samples. I don't know where to turn to. And others have even less money than I do. How are they surviving?"

It's a good question. When Medicare was enacted in 1965, the elderly were worried about hospital costs, not drugs. Few Americans had retiree health benefits, and a serious illness could destroy their savings and leave them destitute. Medicare helped to solve that problem by paying for the bulk of hospital costs. But since then "there's been a dramatic shift in the locus of care," says Dr. Philip Lee, who was assistant secretary of health under Lyndon Johnson, and who headed Johnson's Task Force on Prescription Drugs. "Back then, when you were really sick you went to the hospital. Now much more care of chronically ill people happens at home, with drugs. It's in a site where the patient pays for it, as opposed to being covered by insurance in a hospital." There's also a great deal more drug-based preventive care, designed to treat risky conditions like high cholesterol and hypertension before they land people in the hospital.

These new drugs have improved the lives of the elderly immeasurably. But many cost thousands of dollars a year, and the prices are rising. Drug costs rose at four times the rate of inflation last year, and they have grown almost as fast for most of the past two decades. Partly for that reason, drugs are the fastest-growing share of health costs, rising at almost four times the rate of hospital spending. In one Boston-based private health care plan, outpatient expenditures rose from 7 percent of all expenditures in 1994 to 13 percent in 1997, and are projected to overtake hospital costs (about 20 percent) by 2002. Seniors represent a vastly disproportionate share of that cost. People over 65 represent 12.4 percent of the U.S population, but they account for over a third of drug expenditures.

Despite these rocketing expenses, insurance coverage for drugs is getting worse, not better. A third of seniors pay for their medications entirely out of pocket. But that figure is misleading, because coverage for the other two-thirds is very patchy. Unlike the fairly comprehensive coverage most working people enjoy, retiree plans tend to have large deductibles and copayments, and there's a cap on the annual payout. If their drug costs are high, they end up paying for most of it themselves. And even this minimal coverage is eroding. The number of private health plans offering insurance to Medicare-eligible retirees has dropped steadi-

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ly in recent years. Many seniors have some drug coverage through Medicare HMOs, but a number of these HMOs have withdrawn from Medicare in the past year. Others are placing caps on drug coverage. By next year, an estimated one third of HMOs will cap drug coverage at $500 annually or less.

In theory, seniors can purchase drug coverage through Medigap policies. But only three of the ten available Medigap plans offer drug coverage, and they tend to be more expensive than the other options. Worse, many seniors who apply for these plans, like Frank Dezelich, are turned down because of their "pre-existing conditions." One senior told me he was required to fill in a five-year pharmaceutical history as part of his application. He had taken only one drug in that period—Zantac. He was denied. He wrote the company and asked if Zantac could be excluded from his coverage, so that he would go on paying for it out of pocket and be insured for everything else. They said no.

With such poor coverage and such high prices, middle-class seniors have a hard enough time paying for their drugs. It's even worse for the poor. Seniors who are below the poverty line but don't qualify for Medicaid spend roughly 50 percent of their income on prescription drugs and other health care costs. It's hardly surprising that many of these people skimp on their medications. Some elderly men and women are literally forced to choose between drugs and food. And we're not talking about Viagra. One New Hampshire study of Medicaid recipients found that when drug use was limited, recipients cut back on such vital medicines as insulin, lithium, cardiovascular drugs, and bronchiodilators. Denying such life-saving drugs to people in need isn't just inhumane. It's also a waste of money in the end, because the people who fail to take them are likely to become critically ill and to require more costly medical care. A follow-up study in New Hampshire found that chronically ill seniors affected by limits on Medicaid drug payments were twice as likely as members of a control group to enter nursing homes and hospitals—where they rack up larger bills that are footed by the government (and therefore by the taxpayer).

It shouldn't have to be that way. Life-saving drugs are a necessity, not a luxury for the rich. Just as Medicare took care of the desperate need for hospital insurance for the elderly back in 1965, so now we need to ensure that no one suffers or dies for lack of prescription drugs. Clinton's proposal for a Medicare drug benefit would help. But it would still leave seniors putting a hefty portion of their income into drugs, because it only covers 50 percent of each prescription, and it would be capped at $1,000 a year (at least at first). And it's likely to push up drug prices for people under 65 who lack insurance, as the drug companies try to make up for their lost revenue.

That's why the government should step in and use its buying power on behalf of those who need it the most. This is what Canada and most European nations do for all their citizens, and they pay much less than we do for the same drugs. In fact, our federal government already negotiates a hefty discount when it buys drugs for the Veterans Administration and the military, and the states do something similar for Medicaid recipients. (The government's "best price" for Zocor, a cholesterol drug, is about $27 for 60 five-miligram tablets; uninsured people pay $108 for the same amount.) There's no reason not to let the uninsured into one of these large buying pools and give them the same discounts. Drug companies dislike these practices, because they cut into their profits. But those complaints ring a little hollow when elderly people are skipping meals so they can pay for their medications.

Medicareless

With this kind of suffering going on, you have to wonder: Why has it taken so long to get a proposal for a Medicare drug benefit? After all, Phil Lee's Task Force on Prescription Drugs recommended creating such a benefit in 1969. Thirty years later, the price of drugs has gone through the roof, and we still don't have one, despite the fact that 70 percent of respondents in a recent *Newsweek* poll said the lack of drug coverage is the "most important problem in health care," and 84 percent listed drug coverage as "absolutely essential" for health care coverage.

The answer, naturally, is money. Congress did pass a Medicare drug benefit back in 1988, as part of the Medicare Catastrophic Coverage Act, but it fell victim to those who successfully tarred it as an unfair tax. Originally proposed by President Reagan and congressional Republicans in 1987, the bill started out as a fairly modest effort to help seniors pay for the costs of catastrophic illnesses like cancer, which could bankrupt a low-income family when their Medicare insurance ran out after 90 days in the hospital. The final product included 80 percent of prescription drug costs after a $600 deductible, along with full coverage for hospital stays of any length after a $560 deductible, and other benefits.

So far, so good. The trouble, as always, came with the money. Congress declared that all Medicare recipients who paid more than $150 a year in federal income tax would be required to pay a special 15 percent sur-

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tax, capped at $800 per person. This meant that people earning under $25,000 a year would pay $58 a year for the coverage; those earning about $40,000 would put in $400 a year; and those in the highest income brackets would pay the full $800. To most seniors, that was a truly wonderful bargain. But it didn't take long for the Conservative Caucus, the National Committee to Preserve Social Security and Medicare, and other seniors' lobbies to begin warning their members about the "Seniors Only Income Tax Increase" to which they'd been subjected. They also asked for money to help fight the bill. Within weeks, Congress was flooded with more than 2 million letters and thousands of phone calls from angry seniors denouncing the bill. The pressure worked, and in 1989 Congress repealed the Act. The lesson for politicians was clear: Don't ask affluent seniors to pay for their poorer cohorts.

Drugs are the fastest-growing share of health costs, rising at almost four times the rate of inflation last year.

More recently, the pharmaceutical industry has targeted Clinton's proposal for a Medicare drug benefit, because they think the cost of insuring seniors will grow so high that the government will impose price controls, cutting into their revenue. In July a pharmacuetical front group started airing a television ad in which an elderly woman named Flo warns against adding a drug benefit to Medicare: "I don't want big government in my medicine cabinet." The ad was immediately compared to the notorious "Harry and Louise" ads run by the insurance industry back in 1993 and 94, which were credited with helping to kill the Clinton health care bill.

It's not clear yet who would end up paying for the Clinton plan, or if it would lead to price controls. But several bills being floated in Congress and in the states do address the fact that U.S. consumers currently pay the highest retail prices for drugs in the world. There are bills to allow drugs to be imported from other counties, giving Americans access to lower foreign prices. There are bills that would alter U.S. patent law, cutting back on the drug companies' ability to charge virtually anything they want for drugs. And there are bills that would empower government—whether state or federal—to create large buying pools, thereby protecting uninsured people from high retail costs.

Your Money Or Your Life

The standard justification for forcing drug companies to help to foot the bill is that there is no free market for drugs. Once makers have a patent on a chemical formula, they have a de facto monopoly and can charge the public as much as they want. And they do: According to *The Wall Street Journal*, the drug industry's profits are "the envy of the corporate world." In 1998 *Fortune* magazine rated pharmaceuticals as the top industry based on return on revenues, return on assets, and return on equity.

The drug industry has an answer to that. Its lobbying arm, the Pharmaceutical Research and Manufacturers of America, claims that high U.S. prices are necessary because American pharmaceuticals "bear the world's research burden," developing a disproportionate share of new drugs. If we paid less, profits would go down, and the flow of new life-saving wonder drugs would come to a halt. Or, to put the pharma-logic a little more succinctly: Your Money or Your Life.

It's true that many of the best drugs of recent years have been made by American companies. But it's not at all clear that they deserve the credit. The National Institutes of Health does a third of the nation's research, in terms of money, and is responsible for some of the most powerful drugs ever: penicillin, polio vaccine, and AZT. Although the U.S. pharmaceutical industry claims to fund roughly 43 percent of the country's research, that figure is misleading. The Office of Technology Assessment found in 1993 that two-thirds of research goes to "copycat" drugs—drugs designed to replicate the effect of a drug patented by another company. And according to the U.S. Senate Committee on Aging, "many of the dollars drug manufacturers claim are spent on research are actually spent on marketing research."

Furthermore, private companies often make enormous profits from taxpayer-funded research. Taxol, for example, a powerful anti-cancer drug developed almost entirely by the federal government, costing taxpayers about $35 million, is licensed to Bristol-Myers Squibb. Taxol costs 30-40 cents per miligram to manufacture, according to James Love, director of the Consumer Project on Technology. Pharmacies retail it for $62 per miligram. Stories like this led the Office of Technology Assessment to conclude in 1993 that federal policies were inadequate to protect the public's interest in affordable drug prices and reasonable compensation for the taxpayers' investment in research. Yet instead of demand-

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ing a fairer bargain, the government has gone the other way. In 1995 the NIH gave up its right to require "reasonable pricing" by drug companies for medications developed either through government research or through government-industry collaboration.

It's also clear that drugs are priced according to what the market will bear, not according to the cost of their research. Thanks to patent protections, drugs that cost a dollar or two to manufacture can sell for hundreds. Take Levamisole, for example, a drug known to be effective in preventing colon cancer from recurring after surgery. Patients must take the drug for a year, and for a year's supply Johnson & Johnson charged $1,500. But if you bought the same amount of Levamisole from another company for treating sheep, you would pay just over $14, according to a doctor at New York City's Mayo Clinic. Since people are willing to pay more than animal keepers, Johnson & Johnson made a killing. But it's likely that some people who couldn't afford the drug died.

There are a number of areas outside research where drug companies could cut back on expenses. Of the 15 largest drug makers, all had marketing, selling, and administrative expenses that were at least 78 percent higher than their own claimed figures for research and development. Thanks to revisions in Food and Drug Administration policies in 1985 and 1997, drug companies now spend tremendous amounts on direct-to-consumer marketing. Spending in this area went from $55.3 million in 1991 to $1.3 billion in 1998, increasing more than twentyfold. They also spend a lot of money marketing their drugs to doctors, often at lavish vacation "seminars." Spending a long weekend in Honolulu isn't exactly the best way for a doctor to make impartial decisions about what he should prescribe for his patients, particularly when you consider that the companies funding these junkets are paid to sell drugs, not to tell the truth. In addition, drug companies spend vast amounts on lobbying campaigns to have their patents extended. Schering-Plough, for instance, is currently spending millions on a lobbying campaign to have the patent for their popular allergy drug Claritin extended by three years.

Finally, drug companies have used the research excuse to fight legislation in the past—and been proved wrong. In the early 1980s the brand-name pharmaceutical industry lobbied against the Waxman-Hatch Act, which made generic drugs more available, arguing that it would lower profits and cut into research funding. Since then R&D has more than doubled, and the rate of new drug approval has increased dramatically.

Pump Up The Volume

The drug makers' resistance to change becomes less defensible when you consider that they might not lose much profit if prices dropped, because demand would increase correspondingly. According to a Merrill Lynch study, if Medicare recipients were to get a 40 percent discount on drug prices—as Rep. Tom Allen and several others in Congress are now proposing—the volume of sales would offset the loss in revenue almost entirely. Even if that proved optimistic, the losses incurred would be relatively small. The marginal cost of making more pills, once a drug line has been established, has been estimated at 5 percent of retail price. Boston University's Access and Affordability Monitoring Project has estimated that making 25 percent more medications would cost the drug makers about $1.25 billion. If the 12 largest companies alone had borne that financial burden in 1998, they would still have been the most profitable industry in the country by a healthy margin.

The Allen plan would not be difficult or costly to establish. The federal government already gets a hefty discount on drugs for the V.A. and the military; the Allen plan would simply add Medicare beneficiaries to the mix. Another precedent exists at the state level. Fourteen states currently have pharmacy programs that provide substantial discounts to low-income seniors who don't qualify for Medicaid.

Unfortunately, restricting the plan to senior citizens would probably drive up prices for those who remain uninsured. This is not a small concern. There are now close to 70 million Americans—one in four—without any drug insurance at all, and many if not most of the rest of us have very poor coverage.

That's why some state governments are now considering negotiations with drug companies on behalf of all their citizens, not just the elderly. Massachusetts state legislators have proposed the Act to Reduce Outpatient Prescription Drug Costs and to Expand Coverage, which aims to win discounts of at least 20 percent for drugs under patent, and 14 percent on generic medications. Vermont has held hearings on a similar plan. Canada already runs a very similar drug plan, with several provinces negotiating drug prices for their citizens.

This may sound like a drastic, top-down solution. But it's based on one of the fundamentals of the free market: Pool your buying power and get better prices. Until Congress agrees on a Medicare drug benefit—and that may be a long time—there's no better way to reduce the suffering of people like Frank and Lois Dezelich. ●

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The Gipper's Constitution

Republican judges are rewriting the law of the land

BY STEPHEN POMPER

OCTOBER 13, 1999—DAY 6,841 OF the Reagan Revolution. The Supreme Court hears an argument in *Kimel v. Florida Board of Regents*. Counsel asks the Court to recognize that state employees have the right to sue their employers for violating the Age Discrimination Employment Act. If not, then state employers will be above the law—immune from damages no matter how egregiously they discriminate on the basis of age. Not only that, but states will have a legal basis to argue that this immunity should extend to private suits under other civil rights laws—like the Americans with Disabilities Act and portions of the Civil Rights Act of 1964. But from reports of the argument, you'd never know what's at stake: Chief Justice William Rehnquist yawns openly. Justices Sandra Day O'Connor and Anthony Kennedy stare into space and down at the bench. And the liberal justices offer up a pittance of supportive questions and fall silent as if to acknowledge that it's a lost cause—why bother?

How did we get here? Twenty years ago the Reagan administration had a conservative social agenda and no way to achieve it. A Democratic House of Representatives stood squarely in the way of the White House on issues like abortion, school prayer, and busing. In *Pursuit of Justices*, a history of the modern Supreme Court appointments process, David Alistair Yalof describes how the administration gave up on Congress and shifted its strategy to redefining the political composition of the federal courts. This was accomplished through careful screening of judicial nominees; Yalof reprints portions of a 1985 Justice Department memo enumerating the ideal attributes of a Supreme Court Justice, including:

- "disposition towards 'less government rather than more'"
- "appreciation for the role of the free market in our society"
- "refusal to create new constitutional rights for the individual" and
- "respect for traditional values."

It was a brilliant strategy, with long-lived results. At the end of October, even after seven years of a Democratic administration, and the confirmation of 325 Clinton appointees to the federal bench, Republican-appointed federal judges outnumbered Democrat appointees 614 to 571. That imbalance has not been helped by the fact that it now takes roughly 201 days—compared to 38 days during the Carter administration—to shepherd a candidate through the thoroughly partisan Senate confirmation process. (At the end of October there was a backlog of 42 Clinton nominees awaiting confirmation to the federal judiciary.) A once-tenuous 5-4 conservative majority on the Supreme Court has crystallized into a consistent, reliable voting block. And conservative district court judges (the trial court judges who occupy the lowest rung in the federal court system) and circuit court judges (the appellate judges who occupy the middle level between federal trial courts and the Supreme Court) have developed increasingly aggressive tactics to achieve their ends. The result has been a growing body of conservative law which, because it is championed by lifetime-tenured judges and inscribed in precedents that are difficult (sometimes impossible) for legislatures to overturn, looks to extend the Reagan legacy well into the next century.

The most profound changes made by the Republican bench are embedded in a series of highly technical decisions generally grouped under the heading "federalism"—a term that describes legal theories allowing courts to take powers away from the federal government and give them to states. Taken alone, none of the so-called federalist decisions would have earth-shattering impact. Taken together, they have given Republican judges doctrinal cover for redesigning government, picking off civil rights protections,

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and weakening other federal legislation. And given the political origins of these judges, it comes as no surprise that they are simultaneously making inroads on a conservative social agenda in areas like abortion rights, campaign finance reform, and environmental regulation.

What's more, by advancing the Reagan revolution in discrete, technical steps, conservative judges have given liberals a difficult target to shoot at. "The opinions always give the impression of being one step short of a truly radical decision," says University of Michigan law professor Ellen Katz, while acknowledging that defeat by 1,000 small blows is nevertheless defeat.

Devolution Now, Devolution Forever

Five years ago, Gareth Cook observed in these pages that the devolution of federal powers to local entities is "the core of the modern Republican agenda." ("Devolution Chic," April 1995). Of course even Republican congressmen are capable of loving federal legislation that serves a conservative agenda. (For example, Republican congressmen have recently supported federal legislation on issues like late term abortions and tort reform.) But when it comes to forms of regulation that Republicans inherently mistrust—industry regulation, environmental legislation, and civil rights protections—devolution is still a useful concept for pushing responsibility away from the federal government, down to the states, and perhaps into oblivion.

The Reagan administration of course wanted a judiciary that would support devolution from the bench, which is no doubt the reason for the item in the 1985 Justice Department memo suggesting that the ideal Supreme Court justice would favor "less government rather than more." That objective has been realized, as the Supreme Court (now home to seven Republican appointees—five of whom vote fairly reliably on party lines) has labored for the better part of the past decade to take Congress' powers away.

Some background: Congress gets its general powers to make law from two places—first, the so-called "Commerce Clause" of the Constitution, which allows it to pass laws regulating interstate commerce; second, the 14th Amendment, which allows it to pass civil rights legislation protecting individuals from state abuse. (The Constitution also gives Congress enumerated powers to make law in certain specified areas, for example, bankruptcy). These have been generous sources of Congressional authority. For 60 years, the Supreme Court did not overturn a single law on the grounds that Congress had exceeded its Commerce Clause authority. And the Court also gave Congress a wide berth to define the civil liberties that required its protection under the 14th Amendment.

As the Reagan Revolution has gathered momentum in the courts over the last decade, however, the rules have changed. The Supreme Court has issued a series of rulings that trim Congressional authority in order to give more power to the states. For example, in two cases (*New York v. United States* and *Printz v. United States*), the Court ruled that Congress cannot force states to implement federal legislation—meaning, for example, that Congress cannot require local police to administer hand-gun checks under the Brady Act. In *United States v. Lopez*, the Court broke with six decades of precedent and said that Congress went outside its Commerce Clause authority when it created nationwide gun-free school zones; this was a matter that states were entitled to regulate. And in *City of Boerne v. Flores*, the Court overturned a federal law that had given religious organizations the right not to observe state laws when they conflicted with religious principles; in so doing, the Court criticized Congress for being too generous with individual rights and not considerate enough of states' rights.

The Supreme Court took the federalist movement to a whole new level, however, with its decision in *Alden v. Maine*—which was decided on the last day of the 1998-1999 Supreme Court term. The *Alden* ruling, combined with a similar decision from two years earlier, says that private citizens cannot sue state governments under Commerce Clause legislation. To be sure, if a state breaks the law, one can still get a court to order a specific person in state government—for example, the governor or a commissioner—to make it stop. But under *Alden*, an injured party cannot sue the state to get compensated for the harm he has suffered, or to give the state a reason for thinking twice before it breaks the law again.

Alden was particularly jarring because it assigned states a right that is not expressed anywhere in the text of the Constitution. In reaching its decision, the federalist majority relied on the "structure" and the "history" of the Constitution—interpretive strategies that were popular with the activist brethren on the Warren Court, but that had long been disdained by the conservative bench. Remember the 1985 Justice Department memo that frowned on "the creation of new constitutional rights for individuals"? In *Alden*, the Republican justices demonstrated that they were in fact willing to create new constitutional rights —when they served the devolutionary purpose of taking authority away from Congress and making states more powerful.

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Above the Law

Republicans in Congress do their part to make the federal government smaller by pushing regulatory responsibility down to the states. Republicans on the bench help the cause by making it easier for states to ignore federal regulation, which in turn is supposed to make it easier for the states to do their jobs. But do we really want the states to be unregulated?

After all, states are big business. At the end of 1998, state governments employed over 4.76 million workers, a number that reflects an increase of slightly less than 10 percent in the preceding ten years. (Students of devolution take note: as of year-end 1998, the federal government employed 2.7 million workers, reflecting a decline of slightly more than 10 percent over the same period.) State-run enterprises compete actively and often very successfully with the private sector. And states are sometimes apt to take liberties.

A growing body of conservative law looks to extend the Reagan legacy well into the next century.

Paul Durham is a case in point. Durham has been an employee of the Iowa Department of Transportation for 34 years, and is responsible for keeping 400 miles of road safe and passable. Starting in 1985, Durham was entitled under the Federal Labor Standards Act (FLSA) to be paid for overtime work at an overtime wage (time-and-a-half). Although he claims that from 1985 though 1995, he generally worked between 700 and 800 hours of overtime a year, Durham says that he never got paid for more than 75 of those hours in any year. Eventually he sued the state of Iowa as part of a class action. In 1996, the verdict came in: his class had won, and according to his attorney's back-of-the-envelope calculations, Durham was entitled to almost $200,000. But before the court could calculate the precise amount of damages, the Supreme Court made states immune from FLSA lawsuits in federal court. Now, under *Alden*, they're immune in state court too. As a result, Durham is out quite a bit of money and the Iowa DOT rides free.

Mary Ann Thomson's case is also instructive. According to the uncontested facts she presented in court, Thomson worked as an administrative assistant at the *Ohio State University Hospital.* When her father was diagnosed with Alzheimer's disease, she asked for unpaid leave and was denied. She then learned that she was entitled to a leave under the federal Family Medical Leave Act, so she asked and was rebuffed again, then sued. It was a strategy that might have paid off for a private sector employee, but unfortunately Thomson worked for a state university. A federal trial court judge, James L. Graham (a Reagan appointee), ruled in 1998 that the state was immune from private suits under the FMLA, and Thomson was out of luck.

But the strangest cases to illustrate this point are a pair that were decided by the Supreme Court at the same time as *Alden—Florida v. College Savings Bank* and *College Savings Bank v. Florida.* In these cases, a private savings bank sued the state of Florida for patent and trademark violations concerning a college investment plan. Without reaching the question of whether there were actually violations, the Supreme Court ruled that the state of Florida was immune from suit under the applicable patent and trademark laws. It was a remarkable ruling given that states—in particular, big state universities—do hundreds of millions of dollars of business each year in technology development. Now, when state research labs borrow the patented materials they need to do their work (a common practice), they can apparently violate the patents on those materials without concern of punishment. "If I'm the state, you can *say* you'll sue me," says Professor Ronald Mann at the University of Michigan law school. "But I'll laugh and say—go ahead—because in fact, you *can't* sue me."

Federalists argue that states *should* have sovereign immunity against plaintiffs like Durham, Thomson, and College Savings Bank, if only to keep their treasuries from being plundered by lawsuits. But that raises the question: Why should the Supreme Court help states to balance their budgets by denying their employees and business partners access to the courts—compromising their rights and effectively rendering them second-class citizens under the law?

Heedless, Self-promoting Things

One way to gauge the hostility of the Republican judiciary to Congress is by the number of federal statutes that it has overturned in recent years. Since 1995, the Supreme Court has overturned 20 acts of Congress on constitutional grounds. That's more than the total number that were overturned in the previous 20 years combined.

In more balanced times, the Republican bar might have been shamefaced about this sort of judicial activism. The Supreme Court has generally made an effort to

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defer to Congress, on the principle that Supreme Court justices are not elected and therefore should take a back seat to Congress in deciding how the country is governed.

Those days of judicial modesty are gone. In a *New York Times* op-ed published on the heels of *Alden*, former Reagan administration Solicitor General Charles Fried suggested that the public should be *grateful* to the Court for overturning Congressional legislation in areas like rape protection and gun control because federal laws in this area are redundant with existing state laws and therefore "heedless" and "self-promoting." This is not quite convincing.

Consider, for example, the Violence Against Women Act, which was overturned by a 7 - 4 majority of judges on the Fourth Circuit court of appeals last spring. (The Fourth Circuit is based in Virginia and comprises seven Republican-appointed judges and four Democratic appointees). The Fourth Circuit's opinion, *Brzonkala v. Virginia Polytechnic Institute*, found VAWA to be outside Congress' Commerce Clause authority. If VAWA was just a heedless, self-promoting act, then perhaps we shouldn't care. But it wasn't. VAWA was enacted because rape crimes were not being adequately prosecuted at the local level. Rape survivors had only a 5 percent chance of seeing their assailants convicted and a 1 percent chance of collecting damages from them on civil charges. Forty-one state attorneys general signed a letter supporting VAWA's passage, and 17 out of 18 federal trial courts that reviewed the statute before the Fourth Circuit found it to be constitutional.

What end, then, did the Fourth Circuit serve when it delivered a 168-page opinion (an astronomical length by circuit court standards) against plaintiff Christy Brzonkala—a young woman who claimed to have been gang raped during her first week in college, only to see the school fail to meaningfully discipline her assailants and the state fail to press charges? Certainly it set up the Supreme Court (which is reviewing *Brzonkala* this term) to hack back Congress' Commerce Clause powers yet further—advancing the cause of "less government rather than more." But wouldn't it have been preferable if "doing justice for Christy Brzonkala" were the higher priority?

Attack On All Fronts

Looking past the Republican bench's predilection for "less government rather than more," Republican-appointed judges—most notably the Fourth Circuit—have also done a great deal for advancing the conservative agenda on a number of other specific issues in the last two years. In particular:

Abortion. The Fourth Circuit did its part for the pro-life movement, in 1998, by upholding the constitutionality of a law requiring unmarried teenagers to get parental consent before having an abortion and, in 1999, by prohibiting the type of late term abortions referred to as "partial birth abortions." In both cases, the appellate court reversed pro-choice decisions by trial court judges. In the "partial birth" case word leaked out that state authorities had taken steps to ensure the outcome they wanted by maneuvering the case to Judge Michael Luttig, the most outspokenly conservative judge on the appellate court. Luttig returned the favor with an opinion that upheld the anti-abortion law and avoided even mentioning *Roe v. Wade* as a precedent.

Campaign Finance Reform. Campaign finance reform suffered a set-back in *Nixon v. Shrink*, where the Eighth Circuit's Judge Pasco Bowman (a Reagan appointee) ruled that a Missouri law limiting campaign contributions to $1,075 was a violation of the free speech rights of candidates and potential contributors. The ruling undermined the Supreme Court's 1976 decision in *Buckley v. Valeo*, which provides that contribution limits of $1,000 or more *are* constitutional. (Reformers will recall that *Buckley v. Valeo* said that caps on campaign contributions are constitutional, but that caps on campaign spending are not.) The Supreme Court is presently reviewing Bowman's decision.

Environmental Regulation. The conservative Fourth Circuit undermined the federal Clean Water Act in two notable cases. In *United States v. Wilson*, it refused to punish a Maryland developer for discharging fill into a Maryland wetlands in apparent violation of the Clean Water Act. The court reasoned that because the Clean Water Act was enacted under Congress' Commerce Clause powers, it only applies to "interstate" wetlands. In *Friends of the Earth v. Laidlaw*, the Fourth Circuit declared that a company's mercury dumping violations were "moot" because they were remedied while the case was being litigated, and prevented Friends of Earth—who had prompted the clean up by bringing the litigation—from collecting attorneys' fees. The decision all but destroyed the mechanism for citizens' suits under the Clean Water Act and is now being reviewed by the Supreme Court.

Law and Order. The Fourth Circuit also achieved certain notoriety when it ruled in *U.S. v. Dickerson* that the Supreme Court's venerable opinion in *Miranda v. Arizona* had merely established guidelines for law enforcement officials—meaning that the familiar *Miranda* warnings given by police (the litany beginning with "you have the right to remain silent") may not be constitutionally required. In May of this year, Neil Lewis reported an even more stunning item in *The*

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New York Times: In 26 consecutive cases where trial courts had granted "habeas corpus" petitions delaying prisoner death sentences, the appellate court reversed every single one—a result that is difficult to justify if one attributes any force to habeas law or assumes that trial court judges are at least minimally competent.

It's How You Play The Game

No discussion of the triumph of the Republican bench would be complete without a nod to extra-legal considerations—the ways in which judges will sometimes depart from convention in order to achieve politically desirable ends. We have already spoken of the new willingness of the Republican bench to create constitutional rights from sources outside the Constitution (but only for states), to aggressively overrule Congress, and to disregard Supreme Court precedent. But this just scratches the surface. Other tactics include:

• *Reaching Out to be Kind.* The Supreme Court gives the appearance of reaching out to review cases from the Fourth Circuit—which has emerged as the most consistently aggressive of the conservative lower courts. By affirming these cases, the Court can render inviolate the Fourth's envelope-pushing conclusions. Reaching out, of course, is hard to prove. But it is worth noting that the number of Fourth Circuit cases that the Court has agreed to take has accelerated just as the Fourth has broken from the pack. At the beginning of the present Supreme Court term, there were already six Fourth Circuit cases on the high Court docket—that's as many cases as the Court agreed to hear from the Fourth in its three previous terms combined.

• *Reaching Out to be Cruel.* If the Supreme Court seems to be reaching out to affirm Fourth Circuit cases, then it seems to be reaching out to overturn decisions issued by the Ninth Circuit—a California-based court dominated by Carter and Clinton appointees and viewed as the last remaining bastion of judicial liberalism. A *Los Angeles Times* article running at the end of the 1997-1998 Supreme Court term—during which the Court overturned 13 of 17 Ninth Circuit decisions—proclaimed triumphantly that "the reviews for the California-based federal appeals court were not all bad at the Supreme Court this year." In the previous term, it had overturned 28 out of 29. Even more unfortunate are rumors in the environmental bar that judges on the Circuit have begun ruling against environmental causes because they feel under attack about their record.

• *Majority Rule.* As a general matter, circuit court decisions are reached by three-judge panels—which may be revisited in "en banc" (group) review by the entire circuit if requested by any of the non-panel judges. The Fourth Circuit, however, has acquired the habit of subjecting all panel decisions that come out the wrong way to en banc review. Lewis' piece in *The New York Times* quotes the University of Pittsburgh law professor Arthur Hellman as saying "There is a conservative majority on the full court, and if they see a panel decision they don't like, they just take it en banc and reverse it... No other circuit enforces majority rule the way the Fourth Circuit does."

A Radical Development

It is tempting to hope that the upcoming election will give liberals the break they need to derail the Reagan Revolution in the courts. Four seats on the Supreme Court could open up in the next five years (those currently occupied by Chief Justice Rehnquist and Justices O'Connor, John Paul Stevens and Ruth Bader Ginsburg). Whoever fills those seats will likely have the chance to define the direction of constitutional law well into the next century. In order to be assured of getting the right people on the bench, however, Democrats will need to command the entire appointments process—meaning both the White House and the Senate Judiciary Committee. And that won't be easy. One thing liberal lawyers can do to help is to arouse public awareness of the dangers lurking in recent legal trends.

This will require liberals to voice their concerns even if (to recall the words of Professor Katz from the University of Michigan) the courts remain "one step short of the radical decision." After all, that decision may never come. Meanwhile, in a series of dry, technically devastating opinions, Republican judges have engineered what former Solicitor General Walter Dellinger has referred to as "one of the three or four major shifts in constitutionalism we've seen in the last two centuries."

Dellinger's remark places the Reagan Revolution in the same category as the constitutional changes that attended the Civil War, New Deal and civil rights movement. That's pretty exalted company for a trend that is backward looking, hostile to individual rights, and out of touch with what Americans want and value. There may not be a radical decision behind it, but it's a radical development, and it's something the public should hear about repeatedly and emphatically—before, on the way to, and after the polls next November. ●

Research assistance provided by Lucinda Vette.

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Memo of the Month

Las Vegas gets religion...

Robert V. Fitzsimmons
Mayer, Brown & Platt
190 South LaSalle Street
Chicago, IL 60603-3441

Dear Mr. Fitzsimmons:

I am in receipt of your correspondence dated June 28, 1994 and the accompanying Letter of Intent.

As agent for Primadonna Resorts, Inc., I approve the letter subject to the following:

(1) Primadonna, Inc. is not the correct name of the corporation, nor is it an Illinois corporation. The opening sentence should begin as follows:

"Primadonna Resorts, Inc. (the "Developer"), a Nevada corporation ..."; and

(2) Consideration for any such option shall be applicable to the ultimate purchase price. Thus, the last sentence on page 1 would read as follows:

"Such amount shall not be refundable but will be applicable to the ultimate purchase price".

Enclosed is a check made payable to The Catholic Bishop of Chicago in the amount of $100,000.00.

Very truly yours,

PETE & REPEAT, INC.

James R. Schirott
Agent for Primadonna Resorts, Inc.

JRS/dr
enc.

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Whose Game Is It, Anyway?

Letting the fans step up to the plate

By John Solomon

When John Crotty and Peter Lyons learned the National Football League's New York Jets were being put up for sale this summer, they asked each other a seemingly naive question: why can't Jets fans like us buy the team ourselves?

The 30-year-old boyhood friends from New York decided to find out. They created a website, BuyTheJets.com, and launched a bid. "Upon receiving significant expressions from you, the fans, we will assemble an ownership vehicle," they wrote in their site manifesto, which included a guarantee that the team would never leave the New York area. In just two months, 11,000 people signed up and made tentative financial commitments totaling more than $20 million.

Despite the overwhelming response, however, the NFL would not even send BuyTheJets a prospectus. The league prohibits public ownership, with the one grandfathered exception of the Green Bay Packers.

Nevertheless, the idea clearly touched a nerve with a public wanting both to dream about owning a team and to send a message that fans deserve a greater voice in pro sports. The NFL's decision to summarily disregard the BuyTheJets bid was fittingly emblematic of the unsportsmanlike conduct with which the industry too often treats its passionate and loyal supporters.

In addition to recurring work stoppages, ticket prices have risen more than three times the rate of inflation over the last decade. A Major League Baseball seat cost 10% more on average this past season than it did the year before. Including the $2 sodas and $3 hot dogs, it runs a family of four $267 to attend an NBA game, up 31 percent from just four years ago, according to the Team Marketing Report.

Worse, taxpayers are routinely forced to ante up even more dough to satisfy "if you don't build it, I will leave" owner demands for new facilities. In 1999 and 2000, pro teams will be playing in new homes costing the public $9 billion. In Seattle, the Mariners' mediocre record playing in new Safeco Field pales in comparison to its performance paying for it. After a stadium ballot measure was rejected, the Mariners made a deal with the state legislature that they would pick up only $45 million of the $417 million price tag on the facility but would also pay for overruns. Safeco went $100 million over budget, and now the Mariners are refusing to pay. The team, principally owned by Nintendo of America, says it needs the public to cover the extra cost in order for it to compete financially.

Owners complain about the financial hardship involved in running pro teams. Yet, peer behind the doom and gloom talk, and it becomes clear that teams have never been more valuable. Franchise prices—both existing and expansion—continue to go up. The NFL awarded its newest expansion team to Houston this fall for $700 million, up from the $140 million entry price of just five years ago. Last month, the Cleveland Indians were sold for a record $320 million by Richard Jacobs who bought the team in 1986 for $45 million. As Yogi Berra might say, buying a sports team is such a bad deal, everyone wants one.

Where Are the Zebras?

The pro sports business does provide Americans with a unique, wildly popular and state-of-the-art product. That's why Crotty and Lyons have been able to sign up thousands of people, and why there's a line of billionaires ahead of them. That success, however, doesn't mean it should be able to play without any refereeing.

The $10 billion industry is run by almost completely unregulated monopolies. Elected officials seem to confuse governmental oversight with the view from their front row seats. In addition, pro sports' failings don't get the coverage they deserve in the press. The national

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sports media are frequently "league partners" or even franchise owners (Fox and TimeWarner are good examples), rendering their journalism on the subject less than objective. The local press does a good job covering the games but doesn't follow the larger off-the-field issues as thoroughly. And sports talk radio for the most part prefers to stir up public discontent rather than harness it constructively. In short, no one is playing defense for the public.

Twenty years ago, Ralph Nader tried to form a sports consumer group to organize fan interest. He failed, but now he's trying again. "It's a strange thing. It isn't anything like the car, food or drug industries. People can be angry and pay through the nose, but they'll still root for their team," he says. Nader is a perfect example—a boyhood New York Yankees fan who (believe it or not) has continued to root for the Bronx Bombers, albeit a little less rabidly—through the reign of George Steinbrenner.

Nader's effort faces huge challenges. Organizing fans—with their parochial and often opposing interests—is about as easy as trying to get fans to agree on who's better, Sosa or McGwire. Perspectives on revenue sharing and franchise relocation differ from one ballpark to the next. Growing cities desperate to have a team of their own want to make franchise movement easier; cities eager to hang on to prestige organizations obviously don't.

Additionally, fans have never been willing to use their ultimate leverage over owners and players: their butts. Despite the public vitriol over the NBA lockout, hoop enthusiasts returned to their arena seats and TV rooms when play resumed. It is an interesting paradox: the public has never been so angry, but pro sports have never been so popular. For most fans, sports are an escape from real life; they're not going to punish themselves to punish the industry.

Unfortunately, teams don't always have the same loyalty to their fans. Sports franchises in the 1990s threaten and sometimes even leave communities that have been devoted to them for generations. Even worse, teams use this devotion to force local governments into lucrative subsidies for the development of new stadiums. Earlier in the century, most pro sports stadiums were entirely privately financed. In the '60s and '70s, a number of cities built dual-purpose facilities which they would then rent to baseball and football franchises. The cities themselves kept much of the revenue from concessions, parking and stadium advertising. In the '90's, that almost seems quaint.

The Most Successful Team in D.C.

Despite simmering concern that pro sports are taking advantage of the American public, the sports industry has managed to keep legislators away. The promise (or threat) of new (or lost) franchises adds juice to the industry's lobbying efforts. And it doesn't hurt that so many legislators are sports junkies. Major league baseball provided tickets to more than 200 legislators, staffers and their families to last year's World Series at sold-out Yankee Stadium. You can bet that there will also be a healthy Washington presence in Atlanta for this year's Super Bowl whether the Redskins are in it or not.

The industry's high-powered lobby has long been augmented by the connections and financial contributions of its owners. In the last election cycle, according to the Center for Responsive Politics, Jerry Reinsdorf of the Chicago White Sox and Chicago Bulls made contributions totaling $51,250; Micky Arison of the Miami Heat donated $60,500; and Abe Pollin of the Washington Wizards and the MCI Center gave $85,000.

Representative of the strength of the pro sports business in general and Pollin in particular are the recent changes in the congressional gift ban regulations. Thanks in part to Pollin's lobbying, House members are now allowed to receive gifts up to a value of $50. As any sports fan could tell you, $50 is not going to buy you a luxury box seat to an NBA game. That is unless you're a congressman or senator at the MCI Center where club seats for Washington Capitals and Wizards games have been priced at... $48. It may be the only ticket in sports whose price will not outpace inflation.

Over on the other side of the Hill, the Senate Ethics Committee made an equally dubious ruling on luxury box pricing. The committee decided the valuation, for the purpose of the gift ban, would be "the price of the seat in closest proximity bearing a face value." As luxury boxes (a.k.a. Sky Boxes) are often at the top of the building, the Senate is valuing them at the rate of the cheap "nosebleed" seats. Of course, nosebleed seats don't have plush couches or televisions.

Congressmen are also known to get a little weak in the knees at the star power that sports lobbyists can summon when it suits their purposes. "I know it sounds a little crazy," observes a Senate aide who has worked on sports-related issues, "but an autograph from Cal Ripken, and then a 'thank you' note from Roger Clemens can have a lot of impact."

A Possible Game Plan

Given the emotional nature of pro sports and the big money involved, the best mechanism for addressing this complex situation would be a special commission convened by either congress or the president to undertake the first-ever comprehensive review of sports policy.

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The commission would comprise knowledgeable stakeholders—league management, owners, players' unions, media, political leaders and fans—who would take a careful look at sports policy issues, including franchise movement, stadium construction, antitrust, ticket prices and community ownership. Sports policy is rarely discussed in a careful, in-depth way, but instead usually under the gun in an overheated atmosphere after a team has threatened to leave. Why would the industry participate? Perhaps to avert the possibility that local legislatures will take matters into their own hands, or that a spurned town or city will launch a lawsuit that will imperil the delicate legal balance that the leagues have created. A national commission could also be a vehicle for the NFL, NBA and NHL to argue for an expansion of their antitrust powers.

The public has never been so angry, but pro sports have never been so popular.

There are a number of ideas that a commission should consider:

➪ First, the sports industry needs to be weaned off the public construction subsidies it receives. Senator Arlen Specter has proposed a bill that would require the pro sports leagues to set aside 10 percent of their television revenues for a special stadium construction fund. Under Specter's proposal, if the leagues do not create the stadium fund, they will lose the broadcasting antitrust exemption granted to them by congress in 1962. That exemption allows the teams to pool their media rights for sale. On the other hand, if the teams agree to the stadium fund, all of the pro sports leagues will be granted an exemption from federal regulation along the lines currently enjoyed by major league baseball—which continues to benefit from a 1922 Supreme Court ruling that the national pastime cannot be regulated by the federal government because it is not interstate commerce. This may actually be good for fans. If a league is exempt from federal regulation, then its commissioner can guide the movement of franchises with less concern about being sued under federal antitrust law. Pro baseball has not had a team move since 1972.

But television money may not be the right lever, given that contracts vary widely by sport. The NFL has established a special construction allowance for its teams, but much more of a private contribution is necessary. One shining model of this from another sport is San Francisco Giants' owner Peter Magowan, who raised $319 million almost entirely through private sources for Pacific Bell Park, which opens this coming season. Magowan sold $130 million in commercial sponsorships and then leveraged those commitments into $170 million in loans. Pac-Bell Park is one of only three major pro facilities built in this decade entirely with private funds. Granted, this approach may not be feasible or suitable in all markets, but Magowan deserves enormous credit for accomplishing what more owners should be attempting.

➪ The federal government needs to examine what it can do to reduce the spiraling corporate welfare bidding war between different communities over teams. No city or state likes being at the beck and call of sports owners. But, like a presidential candidate in favor of campaign finance reform, it is difficult to stop the competition unilaterally. Legislation authored by Senator Daniel P. Moynihan and Representative Barney Frank would eliminate a federal tax exemption that currently applies to financing for the construction of new sports facilities. This makes sense. Research has largely discredited the idea that stadiums are engines of economic development. Why, then, should federal taxpayers be helping cities pay for them? Existing law is a textbook example of concentrated benefits and distributive costs, and the Moynihan/Frank bill is one of the rare economic initiatives enthusiastically backed by both *The Wall Street Journal* and *The Nation.*

A more ambitious proposal, offered by Representative David Minge, would slap a federal excise tax on economic incentives that states and localities use to recruit and hold on to companies. The idea would discourage the bidding wars that erupt when cities fight over pro sports teams. Rep. Minge's proposal to tax state and local economic development incentives goes more directly and comprehensively at the problem. But it would have significant ramifications beyond sports, and therefore is only a starting point for discussion.

➪ Congress should reconsider the automatic 50 percent write off corporations receive on sports tickets. New arenas are built with the confidence that businesses will purchase—and deduct—expensive luxury seating. This has the perverse result that average citizens end up paying for the tax break that raises the prices of sporting events out of their reach.

➪ When a major public investment is made in stadiums and arenas, it should be subject to approval by referendum. Though the result doesn't necessarily dictate ultimate government policy, the process at least makes for a more open discussion of the issue. And, it

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was a referendum defeat that led Peter Magowan to try to finance the PacBell Park privately.

➪ If the public is going to contribute to stadium construction, local governments should be getting something tangible—i.e. low price ticket set asides, a revenue royalty, or a stay-put guarantee. Beginning this season, the NBA has mandated that each team make 500 seats available before every game at $10/ticket. Last month, President Clinton visited Newark to highlight the owners of the New Jersey Nets who are donating team profits to local youth development groups. With top league officials in attendance, Clinton implored pro owners to: "Think about the obligations owed to the people in your city. Make investment in your community second only to your priorities to bring home the championship trophy." But the role of sports teams in communities cannot be separated from construction financing, franchise movement and ticket prices. In addition, if President Clinton believes community-oriented ownership is the ideal, why doesn't he support allowing the public to bid for their teams along the lines of BuyTheJets.com? Rep. Earl Blumenauer's "Give Fans A Chance Act" would require leagues to allow community ownership, which is currently either explicitly prohibited or discouraged. Blumenauer isn't saying every team should be publicly owned, only that other ownership models should be considered.

➪ Government regulators also need to keep a closer eye on sports television, particularly as media companies like Fox, Time Warner, and Cablevision are increasingly doubling as team owners. If, for example, Cablevision purchases the New York Jets or Mets as has been rumored, the company would control three teams, two television networks and a cable system in the New York area. That content and distribution control is somewhat reminiscent of the type of vertical integration outlawed in the film business earlier in the century, which resulted in movie studios having to sell their theaters.

A Full Court Press?

When it comes to looking after the interests of the public, it's not just politicians who have dropped the ball. Despite the proliferation of channels and programming, television isn't covering sports policy or consumer issues effectively. It's possible that the relationship with the sports industry is just too symbiotic. Typical is ESPN's current advertising campaign for "SportsCenter" (its nightly *news* program), which features pro athletes singing the praises of the show and its announcers. (It also may be that journalists have a different experience from their viewers and readers; they don't, for example, pay for tickets, refreshments and parking.) The print media has done a better job than television, but it still falls far short. Though many newspapers now have a sports media reporter, few cover the sports business, law, and political beats with any regularity.

Sports talk radio, which has grown meteorically to 250 stations nationwide, would appear to be well suited for the role of consumer advocate. But too many hosts either provoke listeners irresponsibly, aren't willing to be critical at all, or don't have enough knowledge to have an impact.

A strong and responsible national fans consumer group could also have a positive role. If Ralph Nader can't get his organization going, maybe Frank Stadulis will have more luck with his nascent USFANS. The former IBM executive is pursuing the same goal of organizing public discontent with a different approach. He's trying to create a mini-Internet sports portal and even hopes to give fans a chance to play in the online equivalent of the Super Bowl, an IPO. It's not your typical consumer advocacy model. But it's not inconceivable that a dot com might be more appropriate than a dot org in an industry whose mantra is "show me the money."

Professional sports deliver a uniquely successful product, and they should not be recklessly tampered with. But that very success—and the concomitant emotional connection of the public—underscores why addressing these issues is so important. However, there is not one magic solution to bring more balance, accountability, and fiscal sanity back to how the government deals with professional sports. One home run swing won't win the game, which is why a special sports commission would be the right first step.

"A lot of people depend on us for their daily feelings," observed George Steinbrenner in the midst of the Yankees' World Series celebration. "Our job is to make them happy."

The professional sports industry does exactly that on the field. But it still has a lot of work to do off of it. It's time that the fans, whose dollars have fueled the growth and made everyone else rich, have some say in how sports are governed.

BuyTheJets' Peter Lyons and John Crotty tried to do just that. Even though their bid was not considered, they feel they have helped raised the issue of public representation in pro sports. Despite his bad experience, Lyons, like a typical fan, says he has not soured on the sport nor on his team. "I love pro football and I love the Jets," he says with a laugh. "I'll always be a Jets fan even if I can't be a Jets owner." ●

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The Exner File

Truth and fantasy from a president's mistress

By Michael O'Brien

THE DEATH OF JUDITH CAMPBELL Exner on Sept. 24, 1999, reminds us of the enormous impact she had on the reputation of President John Kennedy and on media coverage of the private lives of public figures. Exner had a two-year affair with Kennedy, and because of her gangland connections and Kennedy's CIA connection, their relationship became a public scandal when it was revealed in 1975.

Of all the Kennedy sex scandals, the Exner story may be the one that troubles his admirers most. It is also a tale that remains clouded with uncertainty. Exner changed it several times, amplifying her original confession of an affair into bizarre claims about her role in a conspiracy involving Kennedy and the Mafia. The first accusations were bad enough; the later ones would seriously injure Kennedy's reputation as president, if true. For that reason, it's important to be clear about which of Exner's claims we should believe, and which appear to be fantasy.

The name Judith Campbell Exner burst into the national headlines on December 17, 1975. A month earlier the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (the Church Committee), in its report on CIA assassination attempts, had discreetly stated that a "close friend" of President Kennedy had also been a close friend of mobsters John Roselli and Sam Giancana. After her identity had been leaked to *The Washington Post*, Exner, then 41, called a press conference. Sitting next to her second husband Dan Exner, a golf pro, and hiding behind large sunglasses, she denied any knowledge of underworld activities. Two years later, in her autobiography, *My Story*, Exner recounted her sexual tryst with JFK and her simultaneous relationship with Giancana, plus her friendship with Roselli. That the president would share the sexual favors of a Mafia don's girlfriend was shocking and frightening.

A short, dour, homely Sicilian, Sam Giancana held court at the Armory Lounge in Forest Park, Illinois, ordering murders and managing his crime empire. An extraordinary criminal, Giancana had allegedly been responsible for more than two hundred murders up to 1960. A leading member of the La Cosa Nostra, the national crime syndicate, Giancana was Chicago's Mafia boss, the successor to Al Capone. His crime network ranged from protection rackets to numbers games, loan sharks to bookmakers. He had served time in prison and been arrested more than 70 times, including three times for murder. Giancana's friend and associate, John Roselli, represented the Chicago mob on the West Coast.

Born Judith Immoor, Exner grew up in Pacific Palisades, California where her father worked as an architect. The family was well off, but when Judith was 14, her mother nearly died in an auto accident. Traumatized, Judith withdrew from high school and was privately tutored. At 18, she married the alcoholic actor William Campbell, but after an unhappy marriage they divorced in 1958. Stunningly beautiful, she resembled actress Elizabeth Taylor and became a regular at Hollywood parties. One evening in 1959 she met singer Frank Sinatra, and they engaged in a brief affair.

Then on the evening of February 7, 1960, Campbell met then-Senator John Kennedy and his entourage at Sinatra's table at the Sands lounge in Las Vegas. After perfunctory introductions, Kennedy conversed with all the women at the table, but focused on Campbell. When he listened to her, she recalled in her autobiography, "it was as if every nerve and muscle in his whole body was poised at attention. As I was to learn, Jack Kennedy was the world's greatest listener." The next day Kennedy invited her for lunch on the patio of Sinatra's suite. Again he seemed to have "an almost insatiable interest in what and who I was." They talked

MICHAEL O'BRIEN, *Professor of History at the University of Wisconsin-Fox Valley, is writing a biography of JFK.*

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for three hours.

After their Las Vegas encounter, Kennedy phoned her constantly, telling her how much he missed her and wondering when they could meet again. "He called almost every day," said Campbell, "no matter where he was, or how tired." They finally rendezvoused on March 7, 1960, at the New York Plaza Hotel, where they had their first sexual encounter. In Florida in late March, Sinatra introduced Campbell to a man named "Sam Flood." It took a while for Campbell to learn that this new friend was actually Sam Giancana. Was it just a coincidence, critics wondered, that within a two month period Sinatra's introductions had sparked Exner's romances with a future president and a notorious criminal? Was Giancana using Exner because she was Kennedy's girlfriend? In her autobiography Exner dampened such speculation. It "never occurred to me that Sam's interest in me was simply because of my association with Jack Kennedy." She added, "Sam never asked me for anything."

On April 6, 1960, Kennedy invited her for dinner at his Georgetown home while Jackie was away. Exner recalled the visit:

"We wandered through various rooms until we came to the master bedroom, which was upstairs at the front of the house. There were twin beds with pale green spreads, very filmy and delicate. He put his arms around me and we sat on one of the beds. We kissed and he was almost immediately amorous. I went to the bathroom to undress, and when I came back into the room, the lights were very low and Jack was already in bed.

'I've missed you so much,' I said, as I went into his arms. We kissed passionately, and he said, with his lips still on mine, 'Do you think you could love me?'

'I'm afraid I could,' I whispered, and it was so true."

On the evening of Monday, July 11, 1960, the opening day of the Democratic National Convention in Los Angeles, she met him in his hotel suite. Kennedy brought a second woman along and proposed to Exner that they engage in a ménage a trois. Exner was furious and refused.

Nonetheless, throughout the fall of 1961 and the winter and spring of 1962, she continued seeing Kennedy in the White House. Their routine seldom varied. The president's secretary, Evelyn Lincoln, made reservations for her at the Mayflower Hotel. In the evening the White House car drove her to the East Gate, the one tourists used in the daytime. "Either Jack would meet me in the entrance hall near the door or an aide would escort me to the little elevator and Jack would be waiting in the family quarters." After her arrival about 7:30 p.m., she and the president usually had frozen daiquiris and then dinner.

By late spring 1962, their romance had cooled off. He phoned her infrequently, and she returned his calls less often. "It happened so gradually that I wasn't really aware that it was over until long after it had ended," she said.

True at First

Was it true? By the time Exner wrote her autobiography in 1977, Kennedy, Giancana, and Roselli were all dead. Was she simply telling her story or had she concocted all or most of it in order to sell a book?

Kennedy's advisors Ken O'Donnell and Dave Powers both denied even knowing Exner, then known as Judith Campbell. "The only Campbell I know," Powers told the press in late 1975, "is chunky vegetable soup." But both of them were lying. So was Evelyn Lincoln, who claimed Campbell was merely a campaign volunteer. The dates in the gate logs of Campbell's White House visitations generally coincided with her own recollections. And O'Donnell and Evelyn Lincoln personally authorized some of Exner's visits. During Kennedy's presidency, telephone logs show Exner called Lincoln more than eighty times and there were also calls from Lincoln to Exner. Exner's autobiography convincingly listed fifteen telephone numbers where she had reached both Lincoln and Kennedy from 1960-1962. The evidence she offered—addresses, telephone numbers, descriptions of White House décor—"makes the defensive protestations of the keepers of the Kennedy flame somewhat dubious," said a review in *The New York Times*.

In addition, her claims were limited to the affair. Exner had told the Church Committee that her relationship with Kennedy was only personal and that she had no knowledge of any relationship between Giancana and Kennedy. She made the same denials in her December 1975 press conference and in her autobiography. At her press conference she accused the media of "wild-eyed speculation" for suggesting that she was an intermediary between JFK and Giancana.

Goodfellas

But 11 years after her book was published, Exner began telling another, very different story. In 1988 *People* magazine published an article by Kitty Kelley based on the author's interviews with Exner. "I lied when I said I was not a conduit between President Kennedy and the Mafia," Exner told Kelley. "I lied when I said

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that President Kennedy was unaware of my friendships with mobsters. He knew everything about my dealings with Sam Giancana and Johnny Roselli because I was seeing them for him. I wouldn't have been seeing them otherwise."

Why had she lied before the Church Committee, during her 1975 press conference, and in *My Story*? She needed to protect herself, she said. "If I'd told the truth, I'd have been killed. I kept my secret out of fear." Exner's fear seemed well-founded. Senate investigators were about to call Giancana to testify before the Church Committee when, on the night of June 19, 1975, he was shot seven times in the head in the kitchen of his Oak Park, Illinois residence. The killer was never found, but it was a mafia-style murder. Days later Roselli testified before the Senate committee about the CIA's attempts to kill Castro, including Giancana's role. A year later, Roselli's dead body was found in a 55-gallon oil drum weighted with heavy chains floating in Dumfoundling Bay, near Miami.

When Kennedy supposedly selected Exner as his courier to Giancana, he had known her for only two months—and she had known Giancana for only about two weeks.

Exner claimed that her first assignment as courier was suggested by JFK at the dinner in his Georgetown townhouse on April 6, 1960. That evening had not just focused on dinner and lovemaking, as she had stated in her autobiography. A third person, a lobbyist named Bill, was at the table, and he and Kennedy had spent the entire evening discussing strategy for the upcoming West Virginia primary on May 11.

During the conversation Jack turned to her and said, "Could you quietly arrange a meeting with Sam [Giancana] for me?" Pleased to be of help, Exner called her new friend Giancana the next morning and arranged a rendezvous. "I arrived at 8:30 a.m. on April 8th and talked to Sam at a Chicago club," said Exner. "I told Sam that Jack wanted to meet with him because he needed his help in the campaign." Giancana agreed, and the meeting was set four days later at the Fontainebleau Hotel in Miami Beach. "I called Jack to tell him, then I flew to Miami because Kennedy wanted me to be there."

On April 12 Kennedy met with Giancana at the Fontainebleau. "I was not present," Exner said, "but Jack came to my suite afterward, and I asked him how the meeting had gone. He seemed very happy about it and thanked me for making the arrangements." Apparently in gratitude, Kennedy gave her $2,000 in cash. Kitty Kelley speculated that the April 12 meeting concerned the West Virginia primary.

Even after becoming president, Exner contended, JFK continued to use her as a courier. A few days after the bungled Bay of Pigs invasion in April 1961, Kennedy called her in California and asked her to fly to Las Vegas, pick up an envelope from Roselli and deliver it to Giancana in Chicago. Then she was to arrange a meeting between the President and the Mafia boss, one that took place in her suite at the Ambassador East on April 28, 1961.

"It was a short meeting early in the evening," Exner said. "Sam arrived first and then Jack, who put his arms around me and said, 'I'm sorry I can't stay and see you for the evening.'" (He was in town to address a Democratic party dinner.) After the President and Giancana shook hands, JFK asked Exner to stay in the suite while he and Giancana talked.

On April 29, Exner flew to Florida at Kennedy's request, where she met with Giancana and Roselli, picked up another envelope and returned to Washington on May 4th. "We were scheduled to have lunch at the White House on Saturday, May 6," she said, "but [Kennedy] said the envelope couldn't wait, so I took it to him late Friday afternoon." The following day, May 6, she lunched at the White House where Kennedy gave her another envelope for Giancana.

Meanwhile the FBI was hounding Exner and Giancana; she was terrified, but when she told Kennedy, he seemed unconcerned. "Don't worry," he told her. "They won't do anything to you. And don't worry about Sam. You know he works for us." According to Exner "He told me that over and over. 'Don't worry. Sam works for us.'"

For 18 months in 1960 and 1961, Exner claimed she served as the president's link with the Mob. She crisscrossed the nation carrying envelopes between the president and Giancana, and arranged about 10 meetings between the two, one of which, she thought, took place inside the White House. "They were sealed but not taped," Exner said of the plain 9" by 12" manila envelopes. "They weighed about as much as a weekly

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magazine and felt as if they contained papers, but I don't know for sure because I never looked inside. It never occurred to me to do something like that. I didn't know what they contained."

Secrets and Lies

In 1997, 20 years after the publication of *My Story*, Exner significantly changed her account again. In separate interviews with journalists Liz Smith (for her article in *Vanity Fair*) and with Seymour Hersh (for his book, *The Dark Side of Camelot*) Exner unveiled new sensational allegations.

On April 6, 1960, at the dinner and lovemaking session at JFK's Georgetown home, JFK not only asked her to deliver an envelope to Giancana, he revealed to her the contents of the envelope. "I want you to know what's in it," Kennedy told her. He opened it and showed her the money, perhaps as much as $250,000 in hundred-dollar bills. To buttress his story that Exner delivered money to Giancana in Chicago, Hersh produced a witness: Martin Underwood, a former political operative for Mayor Richard Daley, and a Kennedy campaign worker in 1960. According to Hersh, in April 1960 Kenny O'Donnell asked Underwood to take the overnight train from Washington to Chicago and keep an eye on Exner. Underwood claimed he watched her on the train and saw her deliver the envelope to the waiting Sam Giancana.

JFK also revealed to Exner the contents of envelopes she subsequently delivered to Giancana and Roselli. "I knew what [the documents] dealt with. I knew they dealt with the 'elimination' of Castro and that Sam and Johnny had been hired by the CIA. That's what Jack explained to me in the very beginning."

For the first time Exner implicated Robert Kennedy in the CIA-Mafia-Castro story. "I used to be at the White House having lunch or dinner with Jack, and Bobby [Kennedy] would often come by," she told Liz Smith. "He'd squeeze my shoulder solicitously and ask, 'Judy, are you O.K. carrying these messages for us to Chicago? Do you still feel comfortable doing it?'"

Exner also told Hersh that she was a conduit for payoffs to Kennedy from a group of California businessmen desperate for defense contracts. Her close friend Richard Ellwood, a neighbor and vice president of a small electronics company in Culver City, California, introduced her to "two senior Pentagon procurement officials." She began socializing with all of them during her frequent trips to Washington. Eventually, Exner told Hersh, "I took payoffs" from the California businessmen to Kennedy in the White House. "I didn't want to go to Jack" with the payoff money, she said. But "I asked Jack about it and he thought it was a good idea." She recalled three separate contract proposals for which she brought payoffs into the White House.

"What I want to tell you is my very last secret—an extremely personal one," Exner dramatically told Liz Smith in 1997. The secret was the abortion she had as a result of her last sexual encounter with the President. She was "too ashamed" to tell it earlier. "But now, before I die, I think the Camelot myth should also be demystified, and the Kennedy legend examined for its reality. I don't have a single, solitary thing to hide."

Kennedy, she said, had begged her to come back and talk, to try again. She went to see him one last time in late December 1962. "I said I wouldn't see him anymore; it was too painful. But we were intimate that one last time, in the White House." Shortly afterward she realized she was pregnant. "I hadn't been with anyone but Jack—not ever during the whole time." By her calculations she was "almost two months" pregnant. Because abortion was then illegal, the President said, "Do you think Sam would help us? Would you ask Sam? Would you mind asking?" Giancana agreed to assist her.

The same evening she told Giancana she needed an abortion she was sexually intimate with him. "It was the one time with Sam and it was an emotional response to his loving-kindness and caring for what I was going through. But I would hardly say that that was having a simultaneous affair with two men." Exner claims she had her abortion at Chicago's Grant Hospital, and left the hospital on January 28, 1963.

Fantasy Land

Exner's autobiography had been convincing because her key contentions could be documented with FBI reports, Secret Service logs, White House telephone records, witnesses, and evidence in her own possession. The same is not true for her later revelations. Her supporters, mainly Liz Smith and Seymour Hersh, have tried to bolster her recollections but their evidence is not compelling. The sensational charges—that money and documents were directly exchanged between JFK and Giancana; that Robert Kennedy also colluded with Giancana; that the President welcomed payoffs from California defense contractors; and, finally, that Exner aborted a child conceived by JFK—all rely primarily on Exner's testimony.

Exner's post-1977 observations defy logic. Why would JFK select Exner as his courier to the Mafia? She thought she was the perfect choice because Kennedy didn't trust the CIA. She was the "one person around

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him who didn't need anything from him or want anything. He trusted me." But John Kennedy had plenty of aides—and Joe Kennedy plenty of retainers—who could have performed the role of courier far more safely and capably. When Kennedy supposedly selected Exner to be his courier to Giancana, he had known her for only two months, and she had been introduced to "Sam Flood" less than two weeks earlier.

Secret Service agents who candidly testified about the President's womanizing do not confirm any of Exner's contentions about JFK's relations with Giancana. Moreover, Hersh's account of the train ride Campbell took on Kennedy's behalf in April 1960 to deliver money to Giancana has unraveled, because the key witness recanted his original story. Martin Underwood denied that he followed Judith Campbell on the train, and claims he had no knowledge about her alleged role as a courier.

If the FBI "hounded" Exner and Giancana, wouldn't the G-men have trailed or wire-tapped Giancana when he supposedly had all these meetings with Kennedy in Chicago, Florida, and the White House? Finally, why did Exner wait until 1997 to reveal that she had met Robert Kennedy and that he colluded with the President and Giancana? She would not have risked her life by mentioning that fact a decade earlier.

Those who have examined the record carefully claim that Exner's post-1977 stories are impossible to believe. As the historian Garry Wills notes, "Ms. Exner has, like all of us, read about the CIA's attempt to use Giancana to assassinate Castro, so—sure enough—Kennedy relied on her to send messages and documents to Giancana dealing with this explosive matter. What documents? Hersh might have asked himself at this moment."

Evan Thomas, for many years *Newsweek*'s Washington bureau chief and author of a forthcoming book on Robert Kennedy, asked why JFK would have used a "none-too-bright girlfriend to handle something so incredibly sensitive as passing bribes to the Mafia? Surely Father Joe taught his sons a few tricks about keeping secrets. Using emotionally fragile lovers as bagmen could not have been one of them. ... It also stretches credulity to suggest that Giancana, the all-powerful don, would have been waiting around on a station platform in Chicago to meet the train."

Even conservative critics, who might have been expected to treat Exner's later revelations more favorably, were unimpressed. After reading Exner's 1977 autobiography, columnist William Safire severely criticized Kennedy. But her subsequent assertions left him cold. "She's changed her story too often over the decades," Safire concluded.

So why did Exner concoct her story? First, she had a long history of instability, making her an exceptionally unreliable witness. She admitted to lying repeatedly and changed her story several times. She had been addicted to alcohol and amphetamines, suffered from depression and paranoia, seriously contemplated suicide, endured two divorces (one from an alcoholic). She was hounded and harassed by the FBI, feared death at the hands of the Mafia, and was told her cancer was terminal. Her background and problems do not inspire confidence in her veracity.

Moreover, Exner deeply resented critics of *My Story* who portrayed her as a vapid party girl, the mistress of the President and a Mafia don. She referred to it as her "stupid" book. She wasn't a "tramp, a slut," she said. "I was never anybody's kept woman." Probably to counter her image as simply a scarlet woman who sexually serviced two celebrities, she invented a role, concocted fanciful tales, trying to recreate her image into a serious, sympathetic and important person.

She reveled in the drama and intrigue of her post-1977 stories. She was dying of cancer, she dramatically told Kelley, Smith and Hersh. "For that reason, I must now tell the truth." As if she had just tumbled out of a spy novel, she breathlessly explained her techniques for arranging contacts between Kennedy and Giancana. "As a rule I would just call Sam," she said. "I learned to almost speak in a kind of code. I would usually say, 'Have him call the girl from the West.' And if something was happening in Florida, it was, 'Can you meet him in the South?' Sam always knew that 'him' was Jack. I really became very adept. I think that I was having a little bit of fun with this also." The $50,000 *People* magazine paid Exner in 1988 for telling her amplified story to Kitty Kelley may also have stimulated her imagination.

Historians may never prove or disprove Exner's assertions. Scholarship on the Mafia and on the Presidents' private lives, observes historian Michael Beschloss, "is not subject to the same precision as the study of diplomatic history, for which there are official documents drafted and preserved according to professional standards in public archives." Perhaps evidence will emerge in the future to bolster Exner's recent contentions. Until then, we should assume that the first story regarding the affair was true, because it was supported by White House logs and other evidence; but that her later claims about her role in an alleged Giancana-Roselli-Kennedy triangle, because they are not supported by other sources, are fantasy. ●

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to prosperity,

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A Real Senate Man

A new biography highlights Ted Kennedy's strengths

By Martin F. Nolan

IN 1957, HIS FELLOW SENATORS ASKED JOHN F. Kennedy to chair a committee honoring five of their predecessors whose oval portraits would adorn the President's Room off the Senate floor. After consulting historians and politicians, the author of *Profiles in Courage* chose Henry Clay, John C. Calhoun, Robert M. LaFollette Sr., Robert A. Taft Sr., and Daniel Webster.

EDWARD M. KENNEDY: A Biography
By Adam Clymer
William Morrow & Co., $27.50

Few would then have predicted that JFK's youngest brother would someday be a candidate for similar enshrinement. Make room for Teddy? At the time, Edward Moore Kennedy's only public record was on the blotter of the Virginia State Police, who issued speeding tickets to the University of Virginia Law School student. His reputation as a Rabelaisian roustabout lingered until 1992, when he remarried at 60. Yet the man who transformed Chappaquiddick and Palm Beach into campgrounds of dysfunction, if not debauchery, "deserves recognition not just as the leading senator of his time, but as one of the greats in its history," writes Adam Clymer.

The Senate is an intimate, forgiving institution where a colleague's flaws are visible daily and where most members know that being chaste and sober is no guarantee of being honorable or effective. When Republicans controlled Congress and while his own party was drifting rightward, Kennedy never compromised on core issues, like civil rights, while working incrementally for other changes. Millions of Americans are healthier physically and even financially because of Kennedy's efforts on health care and the minimum wage. "A son of privilege, he has always identified with the poor and the oppressed," Clymer writes.

Edward M. Kennedy: A Biography is a story of the peculiar triumph of starting at the top and overcoming low expectations. The 30-year-old politician elected to the Senate in 1962 was the ninth of nine children. Less cerebral than Jack or Bobby, Teddy relied more on a charm that masked a ferocious tenacity. Often tongue-tied in interviews, Kennedy had a ready answer in 1994 during his seventh successful campaign for the Senate. Asked to list his greatest strength, he said "Perseverance."

In the Senate's all-time roster of seniority, Kennedy now ranks seventh, still behind those sequoias, Strom Thurmond of South Carolina and Robert C. Byrd of West Virginia. In 1969, after Kennedy was elected majority whip, Majority Leader Mike Mansfield of Montana delivered the ultimate tribute: "Of all the Kennedys, the senator is the only one who was and is a real Senate man." Kennedy lost the whip's job in 1971 to Byrd, an avid historian of the chamber, who said six years later, "Ted Kennedy would have been a leader, an outstanding senator, at any period in the nation's history."

Kennedy's journey from playboyville to the Senate's enduring pantheon is a terrific story, and Adam Clymer is a terrific reporter, as faithful readers of *The New York Times* know. If the prose style of his biography can evoke the heft and pace of the *Congressional Quarterly Almanac*, that only suggests the astonishing range of Kennedy's legislative interests. Since first elected 37 years ago, he has plunged his thick Irish mitts deep into every topic of public policy, save perhaps the environment: health care, housing, civil rights, criminal justice, labor, education, transporta-

MARTIN F. NOLAN *writes for* The Boston Globe.

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tion, immigration, refugees, the military, and foreign policy.

Clymer does not sugarcoat his subject's flaws: "At the bridge at Chappaquiddick his conduct caused Mary Jo Kopechne's death. Whatever happened in the hours before and after the accident—the stuff of controversy for three decades—is trivial compared to that one blunt, sad fact." At times in his career, Kennedy's days and nights swung between substance and squalor: "Even during a year of vast legislative accomplishment like 1985, he seemed remarkably unhappy, chasing women and drinking heavily."

While some biographers protest the profound unknowability of their subject, Clymer lets the reader do the psychological speculation, while he does the reportorial work, finding details that illustrate how the Kennedy legacy has both blessed and cursed its surviving standard-bearer.

At Harvard College, Kennedy had arranged for a fellow undergraduate to take a Spanish exam for him despite advice from his father, "who had once warned Ted to be careful because he was the kind of person who would always get caught." He was caught, banished, and then served as an Army private for two years before returning. On January 24, 1980, amid an ill-advised, almost unplanned run for the presidency, Kennedy stopped by headquarters to buck up the troops. President Jimmy Carter had just clobbered him in the Iowa caucuses by a 2-1 margin, forcing Kennedy to deny to reporters that he was quitting the race. While visiting the delegates' desk, he took a phone call from Puerto Rico. The call went badly and Kennedy said, "Now you see how much trouble I had with Spanish."

Chappaquiddick helped to doom Kennedy's White House hopes. While he never articulated his reasons for challenging Carter in 1980, he did so after the election, when he praised Carter's victorious opponent: "Ronald Reagan has restored the Presidency as a vigorous, purposeful instrument of national leadership... He moved the country." Optimism, not malaise, has been the Kennedy credo, of the family and the man alike. It was the mantra, the formula, the McGuffin of this long-running drama, even when Republicans controlled Congress.

He learned a lesson from the late Philip Hart of Michigan in the Senate, "you measure accomplishments not by climbing mountains, but by climbing molehills." Through all of Clymer's conference-committee details, Kennedy's undiminished energy and enthusiasm lend his saga its own lilt of Irish laughter. While Republicans were using Kennedy as a fundraising hobgoblin to rake in millions through the mail, their bete-noire was cooperating with their party leaders, from Barry Goldwater to Nancy Kassebaum, and even, during President Clinton's impeachment trial, Phil Gramm. "That was Kennedy's institutional contribution," Clymer writes, "a moment across party lines in the traditions of his alliances with Howard Baker, Jacob Javits, Peter Dominick, Hugh Scott, Mark Hatfield, Bob Dole, Orrin Hatch, Alan Simpson, John Danforth, and Lauch Faircloth."

What is the balance sheet on Kennedy's legislative legacy? He's been around long enough to have revised several of his "reforms," like immigration quotas. Some seemed like a good idea at the time, like the one Kennedy pushed in 1973, "a bill that encouraged the development of health maintenance organizations, which in time led to the economies, efficiencies, and irritations of managed health care."

In July of this year, the senator said "a bad bill is worse than no bill at all." He may have reached that conclusion by seeing some of his own handiwork become more loophole than law. Kennedy deserves the credit or blame for today's campaign finance system. On March 26, 1974, at the high tide of Watergate righteousness, he told the Senate, "At a single stroke, we can drive the money lenders out of the temple of politics. We can end the corrosive and corrupting influence of private money in public life. Once and for all, we can take elections off the auction block." Twenty-five years later, Bob Dole's reply seems more persuasive: "Public financing is simply not a solution for human stupidity, individual criminality, or personal greed."

Neither bipartisanship nor the drifting of his own party could erode his deep beliefs. He urged Presidents Carter and Clinton not to forget the poor while wooing the middle class. During protests against the war in Vietnam in 1970, Clymer reports Kennedy's prescience about what the war could do to Democrats and American society: "He said the party should be broad enough for supporters of the war as well as its enemies. 'We have become so preoccupied with the generation gap,' Kennedy said, 'that we have failed to see the class gap that is opening and that threatens us far more seriously.'"

Of all the issue Congress confronts, nothing is simpler or more partisan than that of the minimum wage. The issue is clear to those who receive it and would like it raised. Those who oppose boosting the minimum wage, usually Republicans, see it as vastly complicated and hard to explain but remain confident that any increase will surely wreck the American econ-

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omy. Just as Kennedy never rested on bringing up civil rights to the unsympathetic Reagan and Bush administrations, so he hammered away until he prevailed. "The minimum wage," he said in 1989, "was one of the first—and is still one of the best—anti-poverty programs we have."

The soundest test for any biography: Did I learn anything new about the subject? As someone who started covering Kennedy in 1961, I learned something new on every other page. This is a masterful work worthy of its subject not least because of its impressive outlay of shoe leather. Readers may be suspicious of an old-boy-network conflict in such an appraisal. Although the author quotes several of my newspaper stories about Kennedy, I am not among friends in the acknowledgments but among acquaintances in the database.

But my admiration for Adam Clymer began in 1966 when he was writing for *The Baltimore Sun* and both of us were documenting the twilight of the career of A. Willis Robertson, the Democratic stalwart from Virginia who succeeded Carter Glass in the Senate. Robertson, later famous as the father of evangelist Pat, refused to say what his first name was. This refusal puzzled some of us but spurred Clymer into action and into his automobile to drive down to the Blue Ridge country, where he unearthed the 1887 birth certificate of Absalom Willis Robertson.

Absalom, Absalom! Of course, the Old Testament name for the rebellious son of King David was not a proper handle for a docile disciple of the Harry Byrd machine. The thirst to settle the unanswered question, that curiosity and diligence resonates through every chapter of this splendid book, which sets a new and high standard for political biography. ●

The Meritocracy's Caste System

What's good and bad about the SAT

By Thomas Toch

THOUGH TODAY'S HIGH SCHOOL SENIORS may find it hard to believe, Harvard, Yale, and other leading universities weren't exactly bastions of the best and brightest before World War II. They educated primarily the progeny of the upper class—white, Protestant, male students, the products of New York and New England private schools, who were often more interested in debutante cotillions and sporting events than in the life of the mind. Many brought servants with them to Cambridge and New Haven.

THE BIG TEST: The Secret History of the American Meritocracy
By Nicholas Lemann
Farrar, Straus & Giroux, $27

James Bryant Conant, the president of Harvard University and one of the most influential men of his day, wanted to replace this aristocracy of birth and wealth with what Thomas Jefferson called a "natural aristocracy" of the intellectually gifted from every walk of life, who would be educated to high standards and then be given the responsibility of governing society. The creation of what Conant called "Jefferson's ideal," a new intellectual elite selected strictly on the basis of talent, and dedicated to public service, would, he believed, make America a more democratic country.

In 1933, he gave two Harvard administrators the job of developing a nationwide scholarship program for gifted students. The key to the administrators' work would be the creation of a single standard for evaluating the astonishing diversity of the country's high-school students. And the test Conant ultimately selected for that purpose—the newly developed Scholastic Aptitude Test—would become for many students a narrow path to the best opportunities—and richest rewards—in American society.

In *The Big Test: The Secret History of the American Meritocracy*, Nicholas Lemann reconstructs the extraordinary story of Conant, the SAT, and their roles in

THOMAS TOCH, *guest scholar at The Brookings Institution, is writing a book about Christopher Whittle and the rise of market reforms in American education.*

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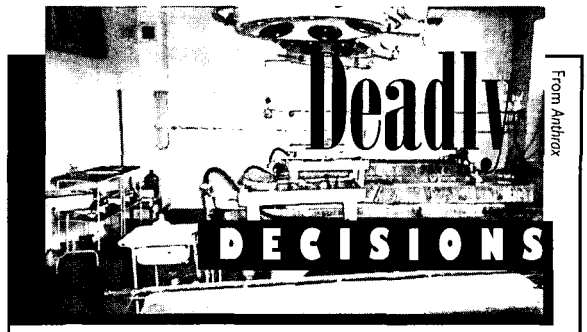
making education the central element of opportunity in post-World War II America.

His history is important and timely. A college education is fast becoming necessary to earn the middle-class salaries that workers won with less than a high school diploma in the days of America's industrial economy. The rise of teenage Internet entrepreneurs notwithstanding, selective colleges and universities represent the way to the top of American society for the majority of those who get accepted. They educate a disproportionate number of the nation's corporate lawyers, investment bankers, leading doctors, and influential academics, and they rely heavily on SAT scores in the admissions process. Although they do admit some students with low scores, these are emphatically the exception. In telling the story of the people and events that shaped the post-war American meritocracy Lemann, a staff writer at *The New Yorker* and a contributing editor of *The Washington Monthly*, has given us valuable new points of reference with which to consider the role of the SAT in college admissions, affirmative action, and school reform.

Conant selected the SAT, which he believed to be a "mental" or intelligence test, over acheivement tests, created by the developer of the New York Regents exams, to measure a student's grasp of course content. Achievement tests, he argued, favored unexceptional rich boys (girls weren't part of Conant's meritocratic equation) whose parents could buy them top-flight high school instruction.

But there was no national debate over Conant's drive to create an education-based meritocracy, or to make education "the official repository of opportunity in America" that it is today. Conant achieved his coup with the help of a handful of close colleagues. Ironically, they were all members of what Lemann neatly terms the Episcopacy, the social class whose defining institutions were the Protestant Episcopal Church, country clubs, New England boarding schools, Ivy League colleges, and, in their working lives, investment banks, major foundations, the foreign service, and university faculties—the very same crowd whose duller members Conant was trying to lock out of the garden. Key among them was Henry Chauncey, a square-jawed Harvard assistant dean and descendent of Puritan clergy who would later serve as the founding president of the Educational Testing Service, the giant testing company that Conant created to administer the SAT. Another was Devereaux Josephs, a classmate of Chauncey's at both the Groton School and Harvard who, as the President of the



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Carnegie Foundation, funded the creation of ETS for Conant. Together, they substantially redefined the nature of and route to success in America. Writes Lemann: "It was like a slow-motion, invisible constitutional convention whose result would determine the American social structure."

After Harvard deployed the multiple-choice SAT successfully in pursuit of talent worth subsidizing with scholarships, Conant convinced other Ivy League schools to use it. When the essay exams that the Ivies used to test regular applicants were suspended during World War II and replaced with the SAT, the test's influence expanded. And when Conant's advocacy of a new national testing agency culminated with the opening of ETS in Princeton in 1948, his vision of a national test-based meritocracy was assured of becoming a reality.

Prodigious digging in the archives has enabled Lemann to recount events in riveting detail. As he did in his previous book, *The Promised Land*, the story of the great post-war migration of African-Americans from the rural south to the urban north, Lemann suffuses his historical narrative with fascinating characters—from Reynold Johnson, a young high school science teacher in Ironwood, Mich., whose 1931 experiments led to the electrical devices that quickly score multiple-choice tests (a key catalyst to the rise of a national testing industry), to Stanley Kaplan, the Brooklyn-born son of a plumber and a secretary who by happenstance launched today's vast SAT test-prep industry. Kaplan had resorted to helping neighborhood students with their schoolwork to support himself after failing to get a place in medical school, even after graduating from City University at the top of his class at age 17. One day in 1946 a student asked him to help her with a test he'd never heard of, and the rest is history.

Lemann's reporting has also yielded a big scoop. When Congress passed the Civil Rights Act of 1965, it ordered the federal Office of Education to study the educational status of black students. The study's lead investigator was James Coleman, a University of Chicago sociologist, who concluded in a now-famous 1966 report that student performance was much more heavily influenced by families than by schools. Lemann reveals here that ETS administered the tests on which Coleman based his conclusions and that ETS analysts largely rejected Coleman's interpretation of the results. School quality, they concluded, had a much larger influence on student achievement than Coleman acknowledged. They believed that spending money to fix black schools was a smart investment. But they didn't argue their perspective publicly and Coleman's conclusion—that spending money on schools was not a smart way to raise black student achievement—dominated the national education debate for the next two decades.

Subsequent research proved the ETS researchers correct; school quality influences student achievement more than Coleman acknowledged. But it wasn't until the publication of "A Nation At Risk" and other reform reports in the mid-1980s that the nation began to believe that it was worth making a major effort to improve public schools.

To Lemann, Conant's meritocracy has been a decidedly mixed blessing. It has certainly produced opportunities for millions of gifted students who wouldn't have had them by dint of birth. He notes that among the very first group of ten Harvard National Scholars graduating in 1938 was James Tobin, the son of the sports-information director at the University of Illinois and a senior at Champaign High School, who would later win the Nobel Prize in Economics. In more recent years, Asian students have benefited tremendously from the SAT.

But Conant's vision of a governing elite selected through a new, education-based system and devoted to public service in a largely classless society was hopelessly naive. Not surprisingly, the new educated aristocracy has embraced the trappings of its newfound social superiority. Today's educated elite are disproportionately lawyers, bankers, and doctors, not the dedicated, European-style civil servants that Conant had hoped for. As Lemann says, the American meritocracy has become largely "a means of handing out economic rewards to a fortunate few."

Much more troubling is the perverse influence the SAT has had on the nation's elementary and secondary education system. Adapted by Carl Brigham, a Princeton psychology professor, from crude intelligence tests used to sort U.S. Army recruits in World War I, the SAT was first published in 1926. It was a multiple-choice exam emphasizing word recognition (as is the test's verbal section today; the math section measures students' ability to reason mathematically and requires knowledge of basic arithmetic, geometry and algebra). But Lemann reveals that as early as 1934 Brigham repudiated the basic premise that the tests measured solely native intelligence. "The test scores very definitely are a composite including schooling, family background, familiarity with English, and everything else, relevant and irrelevant," Brigham wrote in an unpublished manuscript which Lemann dug out of the ETS archives. ETS and the

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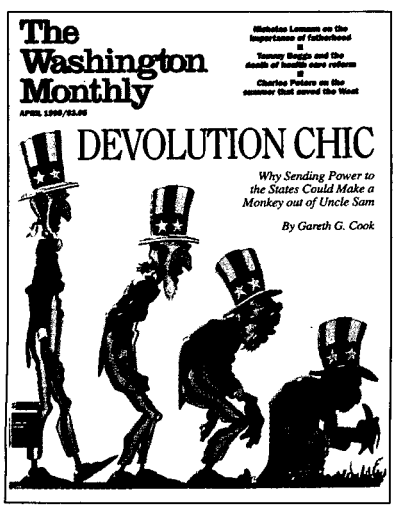

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College Board, the organization of schools and colleges that sponsors the exam, acknowledged as much in 1994, when they finally changed the exam's name from Scholastic Aptitude Test to Scholastic Assessment Test.

Internal opposition to the SAT didn't subside as the test's influence spread rapidly in the decades after Brigham's change of mind. In the 1960s, a researcher at the College Board who would later become ETS's senior expert on the technical aspects of testing, argued in a report titled "Criticisms of Testing: Background Papers" that colleges should use the SAT and other ETS tests for placement rather than selection. After the report had been printed, the entire press run was shredded—on whose orders, the author, Win Manning, never learned.

By 1990 Manning was at ETS and arguing that ETS should take steps to reduce affluent students' advantage on the SAT.

Knowing that students from disadvantaged families tended to score lower on the test, he proposed comparing students' actual scores to the scores they'd be expected to achieve given their family backgrounds—on the premise that kids who greatly outperformed their class background on the test could be expected to do so in college as well. Manning argued that his idea would align the SAT more closely with Conant's original aim.

Colleges loved the idea. They saw Manning's new index as a way of diversifying their campuses without running afoul of the Supreme Court's *Bakke* ban on racial quotas. But Nancy Cole, then ETS's second ranking official and now the organization's president, responded by cutting off Manning's funding. "Imagine the hell that would break loose if the idea were instituted and every lawyer's and doctor's kid in America got an envelope in the mail containing a score that had been adjusted downward to account for the parents' high socioeconomic status?" Lemann writes.

Just such a controversy did break out recently, in the wake of press reports that Manning's idea has been rekindled within ETS. Almost immediately, the College Board's president, no doubt feeling the heat of Hades, attacked the so-called "Strivers" initiative with vague language about the importance of preserving the "art" of using SAT scores in admissions.

How meritocratic, then, is a test that measures neither innate ability nor course-specific knowledge? The rise of a lucrative test-preparation industry built on families' willingness to pay thousands of dollars for courses that boost their SAT scores suggests the answer. Writes Lemann: "The very privileged denizens of Park Avenue that Conant thought he was stripping of advantage [are] now trying like mad to manipulate testing and admissions on behalf of their children, and [are] having quite a good deal of success."

The lingering but false notion that the SAT measures native ability also has undercut teachers' and students' belief in the importance of hard work in schools. Indeed, much of what's measured on the test's verbal section is easily learned outside of school. Asian education systems, in contrast, are built on the belief that achievement comes from hard work rather than innate capacity. So, working closely with parents, they push all students. And, not surprisingly, average performance is higher than in American schools.

What then is the best way to achieve Conant's aim of lifting students from disadvantaged backgrounds into the meritocracy's jet stream so that the nation can reduce its reliance on affirmative-action measures such as ETS's Strivers scheme? A logical step would be to replace the SAT with high school end-of-course exams based on rigorous state or national curricula. As Lemann argues, "Test-prep should consist of mastering the high school curriculum not learning tricks to outwit multiple-choice aptitude tests."

Such tests, akin to the French Baccalaureate and the German Abitur, would drive the education system to perform for far more students, to educate them rather than to sort them. To be sure, the tests would favor students in affluent school systems with top teachers, as Conant warned. But Conant's opposition to achievement tests is outdated in one important respect. Educators today simply don't try to educate many students to a high level because they believe that most don't have what it takes to perform. Often educators base these assumptions on their students' wealth and the color of their skin. And college admission tests thought to measure native intelligence or "developmental verbal and mathematical reasoning abilities" don't provide teachers any incentive to act differently. Nor do they offer policymakers any incentive to address the gross funding inequities that exist in America's educational system.

Fortunately, several states are already moving to require end-of-course exams. By 2005, every student in New York will have to pass the state's rigorous Regents graduation tests, achievement tests developed in the 1920's by Ben Wood—the man who lost out to Carl Brigham in the competition to write Conant's Harvard Scholars exam. ●

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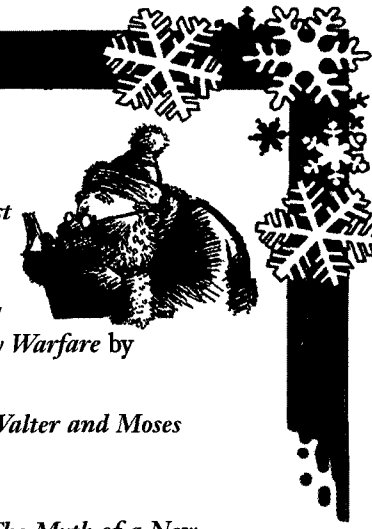

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Irreparable Harm by Frank Snepp

The New New Thing by Michael Lewis

Happy Holidays from the staff at *The Monthly*!

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Political Booknotes

The Legacy Thing

By David S. Broder

THE GOVERNOR OF TEXAS AND Republican presidential hopeful is perhaps the most familiar unknown in American politics. We think we know him, because his name is so well worn and his parents, the former president and first lady, have been so much a part of our lives. But the eldest of their children, affable and engaging as he appears, is someone most voters are just beginning to define.

FIRST SON:
George W. Bush and the Bush Family Dynasty
by Bill Minutaglio
Times Books, $25

This book will help. It is not the place to go for a clear evaluation of George W. Bush's record as governor or his manner of governing. It is skimpy on those points, which are properly the subject of much other solid journalistic work.

Bill Minutaglio, a special writer for the *Dallas Morning News*, does exactly what his title says, places its subject solidly in the context of his family—and that is the right place to start figuring out who and what George W. is.

He is a Bush, which means he is part of a clan which has lived comfortably at the heights of affluence and influence for four generations. One great-grandfather, Samuel P. Bush, was the first president of the National Association of Manufacturers and a close advisor to President Herbert Hoover. Another, George Herbert Walker, founded Brown Brothers Harriman, the oldest and largest private investment house on Wall Street, and was an early backer of FDR for the presidency.

The governor's grandfather was a senator; his father, a president; and for almost his entire life, favors flowed to George W., not because he sought them, but as part of his inheritance.

As Minutaglio demonstrates more fully than anyone else I have read, literally everything in Bush's resumé up to his election as governor in 1994 was to a substantial degree handed to him. Schools, summer jobs, college, military service, marriage, and a succession of short-term, increasingly lucrative employment opportunities all were facilitated by members and friends of the Bush clan.

During much of that time, Bush himself was casual to the point of being lackadaisical about capitalizing on his many opportunities. He was a cut-up, a young man with many friends and few clear goals. But he was also the first son, and eventually, the expectations of his parents and the whole family broke through his natural nonchalance and he became a competitor. Less than a year after his father was defeated for reelection to the White House, George W. stepped forward as a candidate for governor of the nation's second largest state. The legacy would not be allowed to lapse.

Minutaglio offers no deep insights into the emergence of this late-blooming purposefulness. Chances are, there is no deep complexity of character to probe. But the narrative is clear and the writing is well above the level of most campaign biographies. I could discern no evident bias—either adulatory or cynical.

And there are some important clues to the character of a second Bush presidency. Anyone reading of the alienation George W. felt during his years in the Ivy League—his active distaste for the cultures of Yale and Harvard Business School—has to wonder about the prospects their alumni would have of gaining major posts in a Bush administration. I suspect they'd have to prove they were as uncomfortable with the Old School Tie as Bush himself is. And even then, Bush is likely to be more comfortable—as in Texas—with people who have bummed around in less intellectually-pretentious precincts, as he has himself.

That's the part of George W. that is distinctly different from the earlier generations. "For decades," Minutaglio writes, "the tendencies from both sides of the Bush-Walker clan had seemed to work in concert as dozens of family members moved from the most powerful academic settings, into the almost requisite military roles and then into the most influential positions in business and politics."

But a new era, he says, brings "obviously different demands, different rules." George W.'s father figured out how to follow Ronald Reagan but not how to defeat Bill Clinton. Now, as his son tries to succeed Clinton, we will find out how far the inheritance, and the differences, can carry him.

DAVID S. BRODER *is a political reporter and columnist at* The Washington Post.

Goodnight Vietnam

By David J. Garrow

TWENTY-TWO YEARS AGO, Frank Snepp published *Decent Interval*, a stunningly powerful account of how American officials in Saigon abandoned thousands of South Vietnamese compatriots when North Vietnamese troops captured the city in April 1975. Snepp had been a 32-year-old CIA agent in the U. S. Embassy, and he had anticipated all too well how his superiors' wishful thinking and inadequate planning would lead to a chaotic American evacuation once the North Vietnamese forces moved in. Overcome by anger at how many committed South Vietnamese had been left behind to face tortured futures at the hands of their captors, Snepp pressed for a thorough inquiry into the American failure. The CIA was not interested, and

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once Snepp decided to write just such a study himself, his resignation was a foregone conclusion.

Decent Interval became justly famous as much for the circumstances of its publication as for its riveting and painful narrative. Snepp chose to believe that his several CIA secrecy agreements—one dating from when he joined the Agency, and a second decidedly different one from when he resigned—obligated him to submit the manuscript to CIA censors only if it contained classified information, which he firmly (and correctly) believed it did not. Random House editor Robert Loomis worked assiduously with Snepp to assure that no government intervention would delay publication, and in November 1977 the book's appearance was heralded by a front-page story in *The New York Times* and extended coverage on CBS News' *Sixty Minutes*.

IRREPARABLE HARM
by Frank Snepp
Random House, $26.95

But the CIA was not about to let Snepp enjoy his triumph. Overcoming initial vacillation by the Carter Justice Department, the government filed suit against Snepp in federal court, seeking to seize all of the income generated by *Decent Interval* and to impose official censorship on anything Snepp might write in the future. The government's suit was assigned to a spectacularly biased federal district judge in northern Virginia, Oren R. Lewis, and a pathetically, unfair trial resulted in an across-the-board CIA victory. Eighteen months later, the U.S. Supreme Court issued an opinion affirming both portions of the judgment without even deigning to hear arguments. An all-but-bankrupt defendant paid $144,931 to the U. S. Treasury and mailed the manuscript of a never-to-be-published novel to the CIA.

Irreparable Harm is Snepp's richly autobiographical account of all his trials and tribulations, and it is the first book he has published since *Decent Interval*. It is powerfully written, confessional and self-critical, and its central story is the ease with which the CIA's fallacious claims beguiled the federal judiciary. The Supreme Court's behavior in *Snepp v. United States* has been roundly criticized from the day of its decision, but *Irreparable Harm* uses the now-available case files of Justices Thurgood Marshall and William J. Brennan, Jr., to provide an historically eye-opening behind-the-scenes account. The files document how Justice Lewis F. Powell, Jr., a military intelligence officer during World War II, single-handedly convinced his colleagues to rule against Snepp. Initially Powell was the sole justice who wanted to address the merits of the case, but his insistence won over Chief Justice Burger as well as Justices Stewart, Blackmun, Rehnquist and White. Justice John Paul Stevens (joined by Brennan and Marshall) filed a powerful dissent. Still, anyone with access to a legal database can readily see how often *Snepp* is cited by courts when public employees unsuccessfully seek legal shelter for blowing the whistle on some government malfeasance that involves unclassified, but nonetheless "confidential," information.

Snepp worries that the litigation reduced him to little more than "an italicized metaphor for a very bad First Amendment case." But despite the magnitude of that disgraceful Supreme Court ruling, Snepp fails to appreciate how enduring a book *Decent Interval* truly is (even now that it is regrettably out of print).

Irreparable Harm's most revealing confession, however, concerns a story which appears only fleetingly in *Decent Interval*. In *Decent Interval*, Snepp included the following story about Saigon's penultimate day:

"Around midmorning a Chinese girl, an old acquaintance, called to ask my help. Her American husband had abandoned her and her children, she explained tearfully; she had no one else to call on but me. I told her wearily I could do nothing at the moment. I was chained to my desk. 'But contact me again in an hour,' I said. 'I'll see what I can do.' There was a brief silence on the other end of the line. Then her voice drifted in, cool and distant. 'If you won't help me,' she said, 'I'm a dead woman. I'll kill myself and my children. I've already bought the pills.' .... 'Look,' I said, 'just phone in an hour. I'll help you then.'

Precisely on schedule, an hour later, she called again. As it happened, I was away from my desk. She left a message with the duty officer: 'I would have expected better of you. Goodbye.' That was the last I heard from her."

Now, in *Irreparable Harm*, Snepp tells the story differently, disclosing that it was to this woman, named Mai Ly, he had dedicated *Decent Interval*. She had been a barroom hostess whom he slept with in early 1973:

"Nearly two years passed before I heard from her again, before that winter's night in 1974 when she showed up at my door with a year-old baby boy in her arms and a sly smile on her lips. As always, she was coy. First she claimed the child was her brother's; then, her own by an American friend; and then, shockingly, the American friend became me.

I still have a picture of the three of us from that time, that brief five-day reunion that would commit me forever. ... Almost immediately after that picture was taken, she and the child disappeared again, not to resurface until the day before the evacuation."

Only indirectly does Snepp indicate why that missed phone call left him with "a sense of guilt that has taken years to overcome": "My God, were they truly dead? The Vietnamese cop who'd climbed over the wall of the embassy the last day to deliver the news had been nearly incoherent with fear. Had he gotten it right?"

In 1975, and perhaps also in 1977 when he wrote *Decent Interval*, Snepp may well have been appropriately uncertain as to whether he actually was the father of Mai Ly's child. As the years passed, however, whatever doubts he had felt dissipated. One friend understandably told him to "forget Vietnam and move on." But he couldn't. And in 1991, when he revisited Saigon for the first time, under the watchful gaze of a Viet-

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namese police agent, he managed to ride by the "three-story tenement where Mai Ly had once lived with the child I believed to have been my own." He wanted to stop, to ask if there was any chance he had misapprehended her death and the child's, but dared not.

Snepp's account of that trip, including a visit to his old office in the partially abandoned former embassy, is deeply moving, and the journey seems to have given him as much closure as he can attain. In Saigon, he realizes that "the only real enemy here now was my memory." Yet, he mourns that, "had my son lived, he would be eighteen by now." But most tormenting of all, Snepp is fated to live with the knowledge that the neglect he showed Mai Ly and the boy directly mirrored the neglect that this country showed its Vietnamese allies, who trusted us just as she had trusted him.

DAVID J. GARROW *is Presidential Distinguished Professor at Emory University School of Law.*

Forgettable

By Jonathan Alter

FITTINGLY ENOUGH for a book about Ronald Reagan, I forget who told me this, but it makes sense:

Bob Loomis, the Random House editor responsible for Edmund Morris, apparently fell down on the job. Loomis should have told Morris during his "writer's-block years" to go ahead with the fictional device as a way of getting going, then stripped all of it (including Morris' poems) out of the final draft.

DUTCH:
A Memoir of Ronald Reagan
by Edmund Morris
Random House, $35

If Loomis had done so, *Dutch* would have been less controversial (maybe that's why he didn't) and a helluva lot better. The fictional world Morris creates, complete with a radical son and a group of ancient friends, is jarring, phony, boring and totally unnecessary. Most of the insights conveyed by the fictional characters could have been stated in the author's own voice, which would have been completely in tune with the quirky, epigrammatic, non-biographical tone of the rest of the book.

For instance, a fictional character explains that Nancy Reagan and Jane Wyman were cut from the same cloth: "Both bruised, flinchy, pushy, short fused to the point of paranoia, neurotically tidy, love to give orders." Good point; no need to adorn it with fiction. Same with the pithy characterizations of Reagan's men.

The biggest revelation in the book is how astonishingly ungrateful the Reagans were. When long-time devoted aide Mike Deaver got into legal trouble, they never called him. When the Bush family gave them expensive gifts, there were no thank you's. Morris asks Holmes Tuttle, a rich California car dealer and supposedly close friend, if there was anything he ever wanted in return for bankrolling Reagan's entire political career and serving in the kitchen cabinet that got him into government. Tuttle said that all he ever asked for was a night in the Lincoln Bedroom. The Reagans finally invited him just as they were about to vacate the White House. "Too late," Tuttle told them. Isn't there something between selling the place off, à la Clinton, and stiffing those who helped you most?

Morris makes occasional good use of his access, telling us, for instance, what those Reagan-Bush weekly lunches were like. (Reagan at one point simulated masturbation with a Tabasco Sauce bottle.) Some deftly told anecdotes succeed in conveying just how distant and ultimately cold Reagan really was. Even now it still amazes me that he didn't even recognize his own adopted son Michael at his graduation.

But if the book works as impressionism, it fails as history. The larger conclusions ("There was never a politician less interested in the past") are forced and often false. And Morris is disturbingly uninterested in American politics. The critical 1980 campaign gets all of a page. When, during their last White House interview, Reagan starts to tell the story of the 1968 convention, Morris, by now deeply bored by Reagan, starts daydreaming (about Lord David Cecil of all people) and he never tells us what Reagan said. This is valuable history, obtainable by no one else. Having chosen to be a "writer," Morris should turn all of his notes and tapes over to a real historian.

JONATHAN ALTER *is a columnist at* Newsweek *and a contributing correspondent to NBC News.*

The Eisenhower Method

By Fred Greenstein

DWIGHT DAVID EISENHOWER is the least well understood of the modern presidents: enormously popular with the American public from his time as supreme allied commander in Europe during World War II through his death in 1969, but long held by analysts of American politics to have been a non-performing president.

A poll of specialists on the presidency conducted the year after Eisenhower stepped down relegated him to the rank of 19th century nonentities like Chester Arthur. Within two decades, however, a transformation of Eisenhower's reputation had begun in the scholarly literature. As the inner records of his presidency came into the public domain, an Eisenhower emerged who was far removed from the image he cast as figurehead president—giving the lie to the 1950s joke that it would be terrible if Eisenhower died and Vice President Nixon became president, but infinitely worse if Sherman Adams (Ike's stony-faced chief of staff) died and *Eisenhower* became president.

How interesting to discover, in the declassified record, that Eisenhower really was president—a skilled political operator with an interesting and complex personality who engaged in the kinds of politicking that many believed he left to subordinates. But he politicked in a non-

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standard manner, with an indirect approach that preserved his popularity by leaving it to his subordinates to carry out his administration's most controversial policies.

With the 2000 campaign underway, the time is right for a biography that yields insight on this insufficiently understood leader, and gives a benchmark against which to measure the candidates—not to mention giving them food for thought about how to approach the presidency.

EISENHOWER
by Geoffery Perret
Random House, $35

Unfortunately, Geoffrey Perret's *Eisenhower* is ill-suited for those purposes. It falls short of the standard set by Stephen Ambrose's two-volume life, published in the early 1980s and updated in 1992. Ambrose's perspective is clearer and more explicit than Perret's, which is incomplete in its coverage and use of sources, choppy in its narrative, and dogmatic in its interpretations.

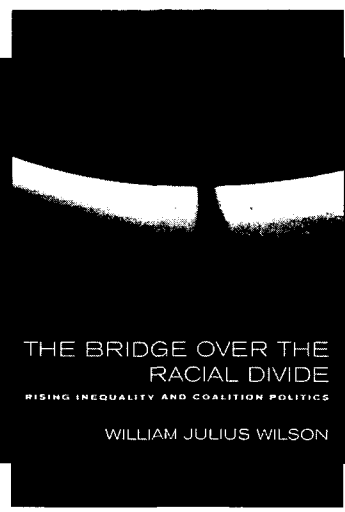
A related deficiency is Perret's tendency to pronounce on what Eisenhower was thinking when the record is silent on the matter. In one such instance, Perret goes so far as to read his subject's unconscious mind, declaring that Eisenhower regretted that he was constitutionally ineligible for a third term in 1960. This bit of clairvoyance is suspect: Eisenhower, after all, had refused to seek the presidency in 1948 despite diligent attempts to persuade him, ran reluctantly in 1952 and gave serious thought to not seeking reelection in 1956. Given that he had suffered a heart attack, a stroke, and a severe gastrointestinal disorder during his time in the White House and turned 70 in October 1960, it is extremely unlikely that he harbored a secret desire to run again.

Despite its flaws, however, Perret's *Eisenhower* is a serious effort to make sense of an important figure. It benefits from sources that have become available since Ambrose wrote on Eisenhower. And it stimulates thought about several lessons that might be derived from the man and his methods:

Leadership style. Eisenhower's oblique style would be hard for modern presidents to emulate. Behind-the-scenes leadership works better for a deeply trusted national figure who earned the nation's confidence in a non-political role than for a leader whose public support depends on day-to-day results. It does not serve less conservative presidents with more ambitious domestic aims. It also is less likely to succeed in the goldfish bowl of contemporary Washington. Still, Eisenhower's practice of downplaying the divisive side of presidential leadership and accentuating the president's ecumenical responsibilities can be politically rewardin even today; if appropriately adapted.

Organization of the presidency. No other chief executive entered the White House with the organizational experience of the commander of the Normandy invasion, and none has put comparable effort into making his White House work: For example, Eisenhower's process for national security policy planning. Eisenhower initiated a procedure in which the top planners of each of the agencies represented in the National Security Council met regularly to flush out policy disagreements, which were spelled out in option papers, sometimes in parallel columns, and debated and resolved at the NSC's weekly meetings. Eisenhower himself made decisions in the presence of small groups of aides in the Oval Office, not in NSC meetings.

Public communication. When it comes to use of the bully pulpit, Eisenhower is a negative role model. His pre-existing public support made it unnecessary for him to sell himself, his hidden-hand leadership style reduced his interest in public persuasion, and, to top it off, he was an earnest, but uninspiring, speaker. Eisenhower's shortcomings as a public communicator proved costly in the tempest of allegations that his administration had allowed a "missile gap" to develop favoring the Soviet Union. Eisenhower's lack of success



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in refuting that charge brought Kennedy into the White House pledging to remedy a non-existent deficiency and pressing on with a massive increase in the nation's nuclear arsenal.

Policy vision. Unlike the many leaders primarily concerned with maneuver; Eisenhower was most attentive to policy. As a veteran strategist, Eisenhower's response to an emerging problem was to reach for a governing principle. Of the 11 presidents from FDR to Clinton, only Nixon compares to Eisenhower in the extent to which his leadership was informed by explicitly defined policies. By the end of his first year as president, Eisenhower and his national security team had framed what came to be known as the "New Look"—a national security strategy that relied on deterrence rather than conventional forces to hold the line against international communism while maintaining a thriving economy.

Eisenhower's preoccupation with policy was strikingly displayed in the internal debate over whether to employ American military power in Indochina in the 1954 Dien Bien Phu crisis. At the first NSC meeting after it became known that the French forces at that garrison had been besieged by the Vietnamese communists, Eisenhower opened the discussion with an incisive act of policy analysis: "This war in Indochina would absorb our troops by the divisions!" In the months that followed, he drew on the rationale of the New Look to insist that it would be foolish to squander the nation's resources on a peripheral conflict, when its real adversaries were China and the Soviet Union, a rationale clearly not followed by his immediate successors.

Intellectual qualities. Eisenhower also had formidable intellectual strengths. He had a gift for lucid written expression markedly at variance with the famously jumbled syntax of his press conferences, a capacity to cut to the core of problems, and an ability to arrive at persuasive assessments of complicated problems. Eisenhower was less articulate than a number of his aides, but in the end he was the one who resolved contentious issues, not just because he was president but also because his aides respected him for his sound judgment.

Emotional qualities. Eisenhower had a temper that could burst forth like a summer thunderstorm, but that subsided just as rapidly. He also had a quality that has come to be called "emotional intelligence," the ability to turn one's feelings to constructive purposes and prevent them from impeding the performance of one's responsibilities. In this strength he contrasts with such emotionally flawed presidents as Richard Nixon, whose suspicion and anger led him to take actions that doomed his presidency, and, of course, Bill Clinton, with his famous lack of self-control.

Eisenhower's capacity for dispassionate leadership derived in part from his sound emotional makeup, but it also was a result of his pre-presidential experience. Having made his mark before becoming president, Eisenhower had no need to prove himself in the White House—an equanimity illustrated in a memory recalled by his brother Milton, who was president of Penn State University during the first term of the Eisenhower presidency. In 1955, Ike was the Penn State commencement speaker. To Milton's distress, storm clouds began to brew on the morning of the outdoor ceremony. When Milton asked his brother for advice, Ike's reply was, "Milton, I haven't worried about the weather since June 6, 1944."

FRED I. GREENSTEIN *is a professor of politics at Princeton University and the author of the forthcoming* The Presidential Difference: Leadership and Character in the Oval Office from FDR to Clinton.

MIXED MESSAGES:
American Politics and International Organization, 1919-1999
by Edward C. Luck
Brookings, $19.95

With Friends Like These

By Jonathan D. Tepperman

IT'S ONE OF THE GREAT IRONIES of the 20th century: The same country that's done more than any other to build international organizations has also done more to undermine them.

The United States has led the charge and done the spadework for multilateral cooperation almost since the beginning of the century. In 1919, no one fought harder than Woodrow Wilson to build a League of Nations (although America never joined). Twenty-six years later, Washington again led the way, scrabbling together a United Nations from the ashes of World War II and footing half the bill. But today the United States is almost $1.8 billion behind in its U.N. dues. Having sidestepped the Security Council on Kosovo and rejected the Comprehensive Test Ban Treaty, Washington is accused of retreating into angry isolationism. Yet at the same time, Americans citizens, as individuals and through non-governmental organizations are doing more today than ever to bulwark the causes of international law and human rights.

Edward C. Luck isn't the first writer to take on America's confounding ambivalence towards international organizations. A few months ago, former U.N. secretary general Boutros Boutros-Ghali did the same. In *Unvanquished: A U.S.-U.N. Saga*, he bitterly denounced the Clinton Administration for being a fair-weather friend, for taking cheap shots at the U.N. when expedient, and for giving the organization impossible jobs (Somalia, Bosnia), only to blame it when it inevitably failed.

Luck's book stands out from this sort of diatribe, however. Despite his obvious sympathies (he's a committed internationalist and a former head of the U.N. Association), what emerges from his book is a deeply insightful discussion of American concerns with multilateralism.

Rather than simply attacking the isolationists, Luck tries to understand them. He asks the rare question: why "have Americans again and again been the first to create international institutions and then the first to forsake

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them?" His answer dates back to 1919 and the Senate debate over the League of Nations. Fundamental questions about America's role in world affairs, its obligations to other countries or lack thereof, were never answered. Nor were they addressed in 1945, when, in the aftermath of the Allies' triumph and with interventionist feelings running high, President Truman forced the U.N. Charter through the Senate without a chance for meaningful debate. Jeffersonians' fears of foreign entanglements and the traditional American distaste for big and distant government were never assuaged.

These underlying fears and questions remained submerged for the first years of the U.N.'s life when, despite the Cold War, Americans were able to muster a consensus in the General Assembly. That began to change in the 1950s, however, with the success of anticolonialism—a movement the United States had championed. Suddenly, the West no longer controlled a majority in the Assembly, and the new nations of the South quickly turned on their former patrons. Anti-American rhetoric proliferated. In a series of disastrous votes, culminating in 1971 with the ejection of Taiwan from the U.N. China seat and in 1975 with the infamous "Zionism equals racism" resolution, the United States grew increasingly alienated from the organization it had created, nurtured, and which it had, for years, regarded as its own.

In the face of such hostility, the old splits between those interested in coalition-building and those who thought America should go it alone once again rose to the surface. By 1975, Ambassador Daniel Patrick Moynihan was calling the U.N. "a dangerous place." As the organization became harder for its champions to defend, the consensus in Congress turned against it. Yet as Luck recognizes, had the East-West or rich-poor split been the whole problem, things at the U.N. would be better today. After all, with the end of the Cold War the U.N. has become a friendlier place. Most General Assembly decisions are now made by consensus. The Security Council functions tolerably well, at least on most issues. "Zionism equals racism" has been repealed. Communism is dead. American market values have triumphed.

FOLLOW IN FAMOUS FOOTSTEPS...

The Monthly is seeking applicants for Fall/Winter internships. [illegible] internships involve all aspects of magazine production, [illegible] writing, editing, and design. Past interns have gone on [illegible] *The New York Times*, *The Wall Street Journal*, *The New Yorker*, *The Los Angeles Times*, *The Washington Post*, *U.S. News & World Report*, *Newsweek*, *The New Republic*, *Slate*, *Brill's Content*, the [illegible] the Department of Justice, and the White House. [illegible] should send a cover letter, resumé, and writing samples [illegible] Bridge, ***The Washington Monthly*, 1611 Connecticut** [illegible] Washington, D.C. 20009, fax us at 202/332-8413, or e-mail us [illegible] washingtonmonthly.com.

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The U.N. has similarly reformed its structure as Americans have demanded, attacking corruption and mismanagement from within, enhancing transparency and oversight, cutting redundancy and holding to a zero-growth budget. And yet instead of softening, the U.S. Congress has grown even more hostile. This is partly explained by a vicious cycle that the U.S. government has helped create: it guts various U.N. programs or pulls out of peacekeeping operations midstream, thereby ensuring their failure.

Yet to explain the origins of U.S. antipathy, Luck looks deeper, straight into the heart of American political culture. What he finds there is a cult of exceptionalism: the old notion that the United States, founded on ideas and not ethnicity, is different from and better than all other countries in the world. Which raises a problem: When you're better (or luckier) than everyone else why bother with multilateralism?

Such exceptionalism, grounded in a hostility to government and linked to the quasi-messianic fervor with which many Americans regard the founding of the country, helps explain the vitriol with which many of today's U.N. critics write. These hard-boiled "realists" suspect that the U.N. is a ruse for duping Americans into surrendering their power and sovereignty to the barbarians at her gates. As Charles Krauthammer has written, "the international community is a fiction. Different countries have radically different geographies, histories, and levels of power, and therefore radically different interests. There may be ad hoc coalitions of interest... [but] what community of interests is there among, say, Brazil, Iraq, Zimbabwe and the United States?" In other words, what has America to gain from the rest of the world?

Luck doesn't really answer. His project is descriptive. Having uncovered this passionate American exceptionalism, rather than joining the fight or simply wringing his hands—as America's critics tend to—Luck urges U.N.-backers to accept and accommodate the isolationists. Which isn't to say that he's happy with American isolationism. In fact, he finds plenty to dislike. On the American front, he faults exaggerated, sometimes racist attacks on a caricatured U.N. that is far more ominous than the real thing. President Clinton also comes in for criticism, for not making a stronger stand.

Looking abroad, Luck faults the new coalition of liberal human rights groups and middle powers for pushing the international agenda faster than the United States is comfortable with (witness the Land Mines Convention and the creation of the International Criminal Court, neither of which has been accepted by the United States).

But the point of *Mixed Messages* is not to assign blame. Just the opposite; Luck wants to move past the recriminations to a "New Compact" based on mutual acceptance and frank discussion. His problem, however, is that he so convincingly describes the sources of U.S.-U.N. tensions that when he gets to his optimistic conclusion—that, if they really try, Americans can talk their way through this impasse—it seems implausible. The realist of the first ten chapters trades places with an idealist, the kind Luck himself chastises for not taking American concerns seriously. If, as Secretary of State George C. Marshall remarked in 1948, with "a complete lack of power equilibrium in the world, the United Nations cannot function successfully," then what chance does the organization have in this age of unchecked American hegemony? What good is it to simply call for more dialogue between friends and enemies of multilateralism?

While Luck's suggestion that internationalists stop demonizing and start listening to American conservatives is a good one, what will make conservatives do the same? Especially when, as Bob Dole discovered in 1996 and as Jesse Helms continues to recognize, there is great political capital to be gained from such xenophobic broadsides? Even Clinton has acknowledged that there's not much to be gained by standing up for the U.N. In calling for a "New Compact" and greater dialogue, Luck seems to assume that both sides are ready to talk in good faith. That's quite a leap, considering the rhetoric one hears on Capitol Hill.

Moreover, the reader comes away from the book wondering whether Luck gave up the fight too quickly. Why should the U.N.'s backers give in? Why not make more of the inconsistencies in the isolationists' arguments? After all, even by a narrow definition of American interests that angrily dismisses concern for such "values" as human rights and democracy abroad (again, Krauthammer: "In private conduct, altruism is the ideal; for a nation, however, it can mean ruin") multilateralism in general and the U.N. in particular remain vital to the United States. Never mind Churchill's old saw, that it's better to "jaw, jaw than fight, fight." There are other, more compelling, reasons why the U.S. still needs the U.N.

First, the U.N. makes jobs such as peacekeeping cheaper and safer for the U.S. Second, like it or not, most conflicts left unchecked wind up engaging American interests after all. Chaos has a way of spreading—witness the bombings of U.S. embassies in Tanzania and Kenya.

And then there are the increasing number of problems—such as global warming, the internationalization of crime, the spread of radical, politically-minded brands of religious fundamentalism, the trade in atomic weapons hemorrhaging from former Soviet republics, and so on—that no single country, no matter how powerful, can manage alone. These are issues that American isolationists tend to ignore. Why should Luck or anyone else let them?

Still, perhaps the world has enough polemicists in it already. The U.N. debate needs more understanding, less harsh rhetoric, and Luck provides plenty of the former. There remains much in his book to recommend it. For its history, for its frank discussion of the roots of American ambivalence, Luck's is a valuable contribution. Whether it will make any difference in today's angry, polarized debate remains far less certain.

JONATHAN D. TEPPERMAN *is an Associate Editor at* Foreign Affairs *magazine.*

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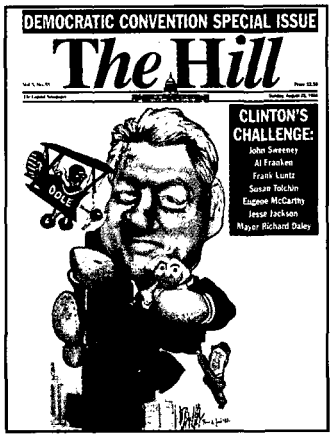

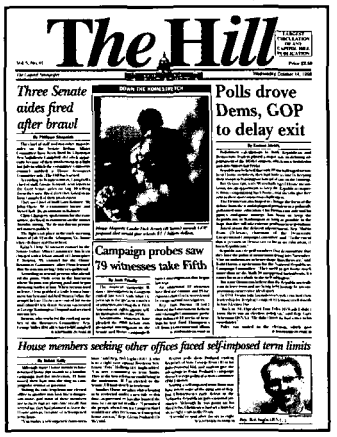
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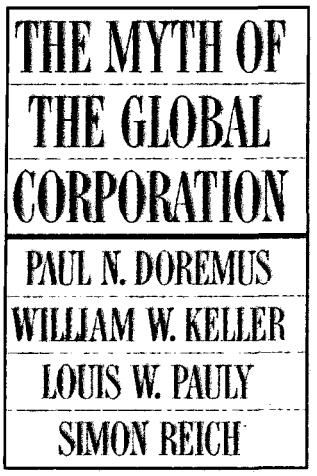

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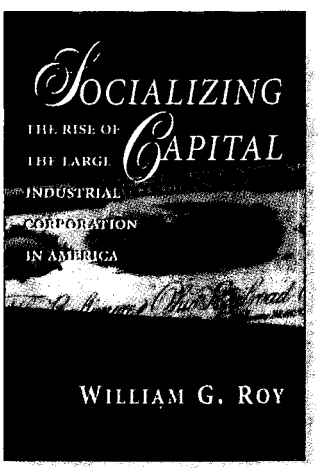

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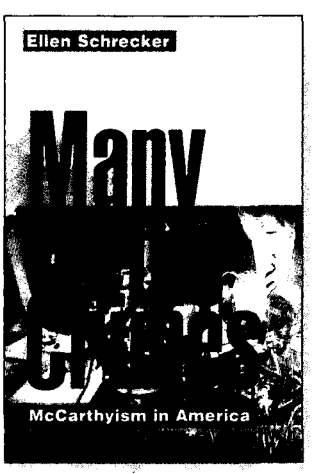

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